

*Director's Protest Resolution Report*

**Winnemucca (Nevada) Resource  
Management Plan/Final  
Environmental Impact Statement  
(RMP/FEIS)**

May 21, 2015



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## Reader's Guide

### *How do I read the Report?*

The Director's Protest Resolution Report is divided into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the Bureau of Land Management's (BLM) response to the summary statement.

### **Report Snapshot**

**Issue Topics and Responses**  
NEPA

**Topic heading**

**Submission number**

**Issue Number:** PP-CA-ESD-08-0020-10  
**Protest issue number**

**Organization:** The Forest Initiative  
**Protesting organization**

**Protester:** John Smith  
**Protester's name**

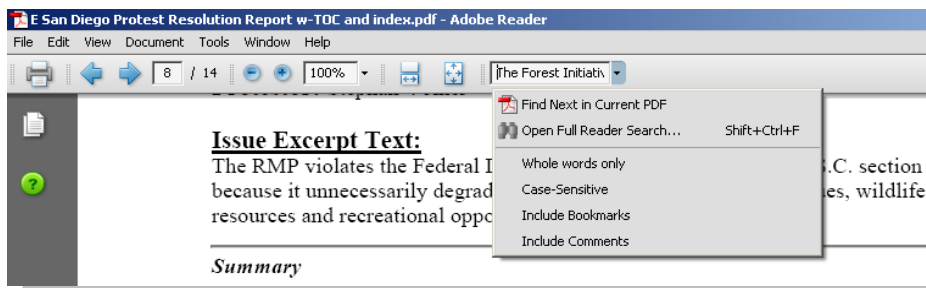
**Issue Excerpt Text:**  
Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.  
**Direct quote taken from the submission**

**Summary**  
General statement summarizing the issue excerpts (optional).  
There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.

**Response**  
BLM's response to the summary statement or issue excerpt if there is no summary.  
Specific renewable energy projects are implementation-level decisions rather than RMP-level decisions. Upon receipt of an application for a renewable energy project, the BLM would require a

### *How do I find my Protest Issues and Responses?*

1. Find your submission number on the protesting party index which is organized alphabetically by protester's last name.
2. In Adobe Reader search the report for your name, organization or submission number (do not include the protest issue number). Key word or topic searches may also be useful.



## List of Commonly Used Acronyms

<b>ACEC</b>	Area of Critical Environmental Concern		
<b>BA</b>	Biological Assessment	<b>FO</b>	Field Office (BLM)
<b>BLM</b>	Bureau of Land Management	<b>FWS</b>	U.S. Fish and Wildlife Service
<b>BMP</b>	Best Management Practice	<b>GIS</b>	Geographic Information Systems
<b>BO</b>	Biological Opinion	<b>IB</b>	Information Bulletin
<b>CAA</b>	Clean Air Act	<b>IM</b>	Instruction Memorandum
<b>CEQ</b>	Council on Environmental Quality	<b>KOP</b>	Key Observation Points
<b>CFR</b>	Code of Federal Regulations	<b>MOU</b>	Memorandum of Understanding
<b>COA</b>	Condition of Approval	<b>NEPA</b>	National Environmental Policy Act of 1969
<b>CSP</b>	Concentrated Solar Power	<b>NHPA</b>	National Historic Preservation Act of 1966, as amended
<b>CSU</b>	Controlled Surface Use	<b>NOA</b>	Notice of Availability
<b>CWA</b>	Clean Water Act	<b>NOI</b>	Notice of Intent
<b>DEIS/DRMPA</b>	Draft Environmental Impact Statement /Draft Resource Management Plan Amendment	<b>NRHP</b>	National Register of Historic Places
<b>DM</b>	Departmental Manual (Department of the Interior)	<b>NSO</b>	No Surface Occupancy
<b>DOI</b>	Department of the Interior	<b>OHV</b>	Off-Highway Vehicle (has also been referred to as ORV, Off Road Vehicles)
<b>EA</b>	Environmental Assessment	<b>PA</b>	Preliminary Assessment
<b>EIR</b>	Environmental Impact Report	<b>PPA</b>	Power Purchase Agreement
<b>EIS</b>	Environmental Impact Statement	<b>RFDS</b>	Reasonably Foreseeable Development Scenario
<b>EO</b>	Executive Order	<b>RMP</b>	Resource Management Plan
<b>EPA</b>	Environmental Protection Agency	<b>ROD</b>	Record of Decision
<b>ESA</b>	Endangered Species Act	<b>ROW</b>	Right-of-Way
<b>FEIS</b>	Final Environmental Impact Statement	<b>SO</b>	State Office (BLM)
<b>FEIS/PRMPA</b>	Final Environmental Impact Statement /Proposed Resource Management Plan Amendment	<b>T&amp;E</b>	Threatened and Endangered
<b>FLPMA</b>	Federal Land Policy and Management Act of 1976	<b>USC</b>	United States Code
		<b>USGS</b>	U.S. Geological Survey
		<b>VRM</b>	Visual Resource Management
		<b>WA</b>	Wilderness Area
		<b>WSA</b>	Wilderness Study Area
		<b>WSR</b>	Wild and Scenic River(s)

***Protesting Party Index***

<b>Protester</b>	<b>Organization</b>	<b>Submission Number</b>	<b>Determination</b>
Paul Tueller (on behalf of James Buell)	Private party	PP-NV-Winnemucca-13-01	Denied/Comments and Issues
Randi DeSoto	Summit Lake Paiute Tribe	PP-NV-Winnemucca-13-02	Denied/Comments and Issues
John DeLong	DeLong Ranches, Inc.	PP-NV-Winnemucca-13-03	Denied/Comments and Issues
Mike Stremmler	Pershing County Natural Resources Advisory Committee	PP-NV-Winnemucca-13-04	Denied/Comments and Issues
Jim Estill	Private party	PP-NV-Winnemucca-13-05	Dismissed/No Standing
Darin Bloyed	Pershing County Commissioners	PP-NV-Winnemucca-13-06	Denied/Comments and Issues
Don Jones	Nevada State Grazing Board N2 District	PP-NV-Winnemucca-13-07	Denied/Comments and Issues
Suzanne Roy	American Wild Horse Preservation Campaign	PP-NV-Winnemucca-13-08	Denied/Comments and Issues
Katie Fite	Western Watersheds Project	PP-NV-Winnemucca-13-09, 13-09a	Denied/Comments and Issues
Mike and Barb Stremmler	Private party	PP-NV-Winnemucca-13-10	Denied/Comments and Issues
John and Jhona Bell	Private party	PP-NV-Winnemucca-13-11	Denied/Comments and Issues

## Issue Topics and Responses

### ACECs

*Total Number of Submissions: 1*

*Total Number of Comments: 5*

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**Issue Number:** PP-NV-Winnemucca-13-09-52

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

#### **Issue Excerpt Text:**

BLM did not even review "dropped" NDOW nominations in areas like the Montana Mountains and Bilk Creek which had long been considered to be sage-grouse strongholds, in response to WWP and other DEIS comments, and the plummeting sage-grouse populations across the species range due to habitat loss and fragmentation, energy development, large-scale fires, invasive species caused by grazing disturbance, etc. Now these lands are facing even greater and significant stresses, threats and habitat loss -in the aftermath of the large-scale 2012 and other recent fires and scientific information about the decline of sage-grouse and other sensitive species.

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**Issue Number:** PP-NV-Winnemucca-13-09-53

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

#### **Issue Excerpt Text:**

BLM has also failed to consider expanding the Stillwater ACEC boundaries to take into account mountainous lands in the Carson City District and sage-grouse habitats that are part of this ecosystem. BLM has failed to consider extending the ACEC down to protect the lower elevations and playa areas that are greatly threatened by geothermal development. Modern day geothermal development is very harmful -and impacts ground water, may permanently alter underlying strata as underground explosions and fracking or the equivalent oil used.

This may permanently impact surface expression of water, or water quality as toxic materials may be brought to the surface and also released into the air. Geothermal sites resemble large, ugly factories in the desert, introduce light pollution, new roading, and constant human disturbance in remote wild land areas and wildlife habitats.

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**Issue Number:** PP-NV-Winnemucca-13-09-54

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

#### **Issue Excerpt Text:**

BLM has also ignored ACEC proposals submitted for the Regional Sage-grouse EIS in the western portion of the species range. WWP submitted proposals for relevant Winnemucca regions (see Map 3-79, 3-81).

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**Issue Number:** PP-NV-Winnemucca-13-09-56

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

#### **Issue Excerpt Text:**

WWP comments on the DEIS specifically described the importance of Montana Mountains and other areas. These were ignored in the FEIS.

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**Issue Number:** PP-NV-Winnemucca-13-09-58

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

#### **Issue Excerpt Text:**

Review of the FEIS sections and maps Figures 2-68 and 2-69, FEIS p. 2-270 show that BLM has never even bothered to provide the areas of the other ACECs to the public in the FEIS. The boundaries and site-specific analysis is not present to any degree at all in the flawed 2006 ACEC report.

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## Summary:

- The BLM failed to follow its ACEC management policy (BLM Manual 1613) and the NEPA process when considering establishment or management of ACECs, specifically with respect to Montana Mountains, Bilk Creek and the Stillwater range.
- The BLM failed to comply with NEPA by not fully disclosing all nominated ACECs in the EIS analysis and not considering ACEC nominations made for the Regional Sage Grouse EIS.

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## Response:

The Bureau of Land Management (BLM) describes its process and rationale for considering and recommending designating areas as ACECs in Appendix F: Areas of Critical Environmental Concern (ACEC) Nomination Report of the Proposed Resource Management Plan Amendment/Final Environmental Impact Statement (PRMP/FEIS). As described in this report, all areas nominated for designation as an ACEC were reviewed by the BLM to determine if the relevance and importance criteria (outlined in 43 CFR 1610.7-2 and BLM Manual 1613) were met. The BLM considered resource use limitations in the Draft Resource Management Plan/Draft Environment Impact Statement (DRMP/DEIS) for only those ACEC nominations that the BLM determined met the relevance and importance criteria, and made the report and findings available for public review and comment as part of the public comment period on the DRMP/DEIS.

With respect to specific ACEC considerations named in the protests:

- **Montana Mountains:** The PRMP responded to comments made by the protesting party about the Montana Mountains. Specific comments and responses can be found in Appendix M- BLM Response to NGO Comments, page 303 (NGO-WWP-Fite-136).
- **Stillwater:** The PRMP/FEIS analyzed the inclusion of the Stillwater ACEC in Alternatives C & D (PRMP/FEIS, page 2-271). The protest indicates that the BLM did not consider ACEC values that extend into the Carson City District. The Carson City District is outside of the planning area and therefore out of the scope of this planning process. The nominated portions of Stillwater that are located in Carson City District have been forwarded to the appropriate BLM office for consideration in the Carson City Resource Management Plan revision process. The proposed Stillwater ACEC boundary is based on the nomination: “55,322 acres and contains significant, historic, cultural, religious, and scenic values important to Native Americans” for piñon nut and wood harvesting (PRMP/FEIS Appendix F p. 12). The lower elevations and playas of the range do not apply to the value of concern identified for this ACEC.
- **Bilk Creek:** The Bilk Creek area was not mentioned previously in the planning process. The Lone Willow area (which includes the Bilk Creek Mountains) was nominated by the Nevada Department of Wildlife but was later dropped (ACEC Nomination Report, page 6).

ACEC submittals as part of the Nevada and Northeastern California Greater Sage-Grouse planning process (“Regional sage grouse EIS”) are not protestable for the Resource Management Plan (RMP) in question, since they were not previously raised for the planning process in question (43 CFR 1610.5-2(a)). The Winnemucca District RMP was one of the plans identified during the development of the Regional sage grouse EIS as one that will be amended as a result of the decision on that EIS. This was presented to the public in the Notice of Intent (Federal Register Notice #76 FR 77008 12/09/2011). A copy of this Federal Register Notice is available on the Nevada/California Greater Sage Grouse website: [https://www.blm.gov/epl-front-office/projects/lup/21152/29302/30502/NOI\\_2011-31652\\_.pdf](https://www.blm.gov/epl-front-office/projects/lup/21152/29302/30502/NOI_2011-31652_.pdf). All areas nominated as potential ACEC’s for GRSG in the Winnemucca planning area are being addressed in the Nevada/ NE California Greater Sage Grouse Amendment process.

## Livestock Grazing

Total Number of Submissions: 5

Total Number of Comments: 33

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**Issue Number:** PP-NV-Winnemucca-13-01-4

**Organization:**

Protestor: James Buell

### Issue Excerpt Text:

It is not clear who is going to do the monitoring to determine if these requirements have been met. It is suggested that the permittee will be required to do monitoring making certain that forage utilization levels are being measured through rangeland monitoring by livestock class. This suggests that the ranch may be required to do much more rangeland monitoring in the future in order to continue to use the allotment. It is not clear how and who will do the monitoring.

Monitoring will have to be done by Key Management Area and Key Study Sites and that future allotment management will be done on critical areas, rather than the grazing unit as a whole. This is not consistent with the guidelines provided in the 2006 Nevada Rangeland Monitoring Handbook that was approved by the Nevada BLM State Director.

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**Issue Number:** PP-NV-Winnemucca-13-01-6

**Organization:**

**Protestor:** James Buell

### Issue Excerpt Text:

Another requirement is to manage native forbs for sage-grouse use. However, there is no indication as to how this is to be accomplished or monitored. In the PRMP/EIS there seems to be a considerable number of specific requirements for determining various vegetation parameters for evaluating wildlife habitat on your allotment. Forb populations in riparian and meadow habitats should be carefully evaluated and then monitored. Have any studies of forbs been conducted by the BLM, NDOW or USFWS. Will it be necessary for the permittee or his representatives to be involved in monitoring forbs? Burned areas are to be closed until monitoring objectives have been met. Once again who is to do the monitoring and how will it be accomplished and what are the specific objectives?

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**Issue Number:** PP-NV-Winnemucca-13-07-10

**Organization:** Nevada State Grazing Board N2 District

Protestor: Don Jones

### Issue Excerpt Text:

Protested Issue: The Proposed RMP specifies that several areas in the Winnemucca District (WDO) will be closed to grazing although the reasons for these closures are not disclosed.

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**Issue Number:** PP-NV-Winnemucca-13-07-12

**Organization:** Nevada State Grazing Board N2 District

**Protestor:** Don Jones

### Issue Excerpt Text:

Because of these reasons, the N-2 Board specifically requests that the area identified as the BLM parcels along the 1-80 right-of-way (ROW) fence to the railroad fence be removed from this closure listing. This identified area is fenced and currently included under planned and permitted livestock grazing. There is no rationale presented in the Proposed RMP that represents a good reason to close this specified area. With both 1-80 and the railroad representing important vectors for fire ignition, we believe that the retention of this area under planned livestock grazing is important for meeting rangeland health standards in this particular area. Further, the N-2 Board contends the Interior Secretary does not have the legal authority to close permitted livestock grazing allotments occurring in grazing districts established under the Taylor Grazing Act due to their current classification as "chiefly-valuable-for-grazing".

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**Issue Number:** PP-NV-Winnemucca-13-07-14

**Organization:** Nevada State Grazing Board N2 District

Protestor: Don Jones

### Issue Excerpt Text:

Action D-LG 1.5 states that Key Management Area (KMA) study sites will be established at critical resource sites (like wetlands, riparian areas, meadows, etc.). However, Pages 4-506 & 507 indicate monitoring from KMAs will override and



dictate livestock management over broader forage areas represented by Key Areas. The clarification provided on Pages 4-506 and 4-507 represents a critical distinction that was not made clear in the Chapter 2 description for the Proposed RMP.

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**Issue Number:** PP-NV-Winnemucca-13-07-16

**Organization:** Nevada State Grazing Board N2 District

**Protestor:** Don Jones

**Issue Excerpt Text:**

From a technical or science based perspective, this provision provides the direction that future grazing management on the WDO will be based on monitoring results from critical resource sites, that also largely represent grazing concentration areas, rather than key areas that represent broader and more extensive forage resources. This approach is not consistent with the guidelines contained in the 2006 Nevada Rangeland Monitoring Handbook (NCE 2006)

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**Issue Number:** PP-NV-Winnemucca-13-07-18

**Organization:** Nevada State Grazing Board N2 District

**Protestor:** Don Jones

**Issue Excerpt Text:**

Protested Issue: D-LG 1.9.1 stipulates the BLM will make vacant permits available to qualified applicants when permits are relinquished or canceled. However, the listed actions provide the BLM District Manager the authority and option to retire a vacant permit and utilize the retired permit for the purpose of either establishing forage banks under D-LG 1.9.2, or for other resource values or purposes under D-LG 1.9.3 and 1.9.4. Besides representing an ill-conceived idea, the N-2 Board contents that the Interior Secretary does not have the legal authority to close authorized and permitted livestock grazing allotments occurring in grazing districts established under the Taylor Grazing Act (TGA) due to their current classification as "chiefly-valuable-for-grazing".

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**Issue Number:** PP-NV-Winnemucca-13-07-20

**Organization:** Nevada State Grazing Board N2 District

**Protestor:** Don Jones

**Issue Excerpt Text:**

There are also resource impacts that are associated with these particular proposals that are not disclosed in the FEIS. Some of these anticipated effects include:

- Wildfire risk would be greatly elevated due to excessive buildup of plant residue and biomass. Through the accumulation of ungrazed fuels the fire is much hotter resulting in greater permanent damage to resources. No area suitable for livestock grazing should be allowed to go a full year without grazing due to the extreme risk of resource loss due to extensive wildfires that have been experienced in this region over the past two decades.
  - Water rights on the allotment would go unutilized except for wildlife. If the water right was for livestock and they are not utilizing the allotment, the water right could be terminated by the state engineer for lack of beneficial use. The eventual deterioration of developed stock waters would reduce water distribution for wildlife that has been created over the past several decades under the BLM livestock grazing program.
  - Existing range improvements would go unmaintained (water developments, fencing, etc.) if this responsibility were left to the BLM. In the instance of a forage bank, this deterioration of existing range improvements would limit the ability to successfully graze livestock in these areas in an economically viable manner during in periods of emergency or need.
  - The loss of permitted grazing associated with these closures will affect local communities by reducing revenues from livestock sales, ranch acquisition for goods and services, economic multiplier-effects, taxes, etc.
- 

**Issue Number:** PP-NV-Winnemucca-13-07-22

**Organization:** Nevada State Grazing Board N2 District

**Protestor:** Don Jones

**Issue Excerpt Text:**

D-LG 5.4 stipulates the BLM will pursue cooperative agreements for new stock waters to provide water for wildlife and WHBs. While the reference to cooperative agreements infers a passive or voluntary BLM initiative in this subject area, Page 4-524 states "Where new waters are developed for livestock in big game habitat or HMAs, the permittee will be required to provide water for wildlife and WHB even when livestock are not present" (emphasis added). The opposition by N-2 Board for the BLM securing new water sources or water rights to support the WHB

program are discussed in more detail under Protest Point No. 18. Contested points contained under Protest Point No. 18 are also included and incorporated by reference in the N-2 Board protest of D-LG 5.4.

There is clearly a contradiction between the Chapter 2 description of this Proposed RMP action and the identified wording contained on Page 4-254. This leaves the N-2 Board unclear as to what the WDO's intentions are regarding this action. Does this proposed action represent a voluntary action that will be left to the discretion of the involved rancher who is developing the new water source, or does it represent a mandatory requirement for the BLM to issue a new range improvement permit for stock water developments in HMAs as has been the agency policy in the past?

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**Issue Number:** PP-NV-Winnemucca-13-07-24  
**Organization:** Nevada State Grazing Board N2 District  
**Protestor:** Don Jones

**Issue Excerpt Text:**

The availability of stock water is commonly used on the WDO to control livestock movements and, in turn, under circumstances where allotments are at AML, provide periods of rest for the renewable forage resources. Most, if not all, livestock grazing on the WDO is permitted under a planned grazing system where livestock use is either deferred and/or rotated to provide the forage resource an opportunity for rest and recovery from previous grazing. To the extent this action is successful it would allow continued forage use by WHB in areas scheduled for rest and recovery. Actions to extend WHB use can effectively negate the environmental benefits gained from the planned livestock grazing, and adversely affect ecological condition and the availability of future livestock forage. These reasonably foreseeable adverse environment effects were not disclosed in the FEIS and render this document as not in compliance with NEPA requirements.

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**Issue Number:** PP-NV-Winnemucca-13-07-26  
**Organization:** Nevada State Grazing Board N2 District  
**Protestor:** Don Jones

**Issue Excerpt Text:**

Further the approach used in the Proposed RMP in setting District-wide resource objectives for livestock grazing is not consistent with the guidelines contained in the 2006 Nevada Rangeland Monitoring Handbook (NCE 2006). This guidance document was signed and supported by the Nevada State BLM Director.

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**Issue Number:** PP-NV-Winnemucca-13-07-28  
**Organization:** Nevada State Grazing Board N2 District  
**Protestor:** Don Jones

**Issue Excerpt Text:**

A primary point of contention under this protest involves the restrictions imposed under D-LG 4.1 that do not allow the conversion from cattle to sheep use in areas represented by historic, existing, or potential bighorn sheep habitat. Combined, these Proposed RMP actions are protested based on the following reasons.

- To date, the nexus for disease transmission between domestic livestock (including sheep) has not been scientifically proven to represent the causal factor in past instances of bighorn sheep deaths or health issues. Current research points to the fact that affected bighorn sheep populations already carry the diseases, with or without previous livestock contact, that are known to be associated with past animal die-offs. Lacking a disease transmission nexus, the use restrictions relating to livestock grazing in bighorn sheep habitats and buffers represent unjustified restrictions to livestock grazing program.

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**Issue Number:** PP-NV-Winnemucca-13-07-30  
**Organization:** Nevada State Grazing Board N2 District  
**Protestor:** Don Jones

**Issue Excerpt Text:** This Proposed RMP action provides the direction to protect pigmy rabbit by implementing mitigation to reduce impacts. The mitigation proposed under this action includes the implementation of seasonal restrictions, use restrictions, rehabilitation and other measures. However, the actions included under these categories of mitigation are not disclosed in the RMP nor are their effects on permitted livestock grazing adequately assessed in the FEIS. As such, this proposed action is not in compliance with NEPA

requirements and should be dropped for further consideration in this RMP.

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**Issue Number:** PP-NV-Winnemucca-13-07-34

**Organization:** Nevada State Grazing Board N2 District

**Protestor:** Don Jones

**Issue Excerpt Text:**

These Proposed RMP actions include the establishment of nearly 1.8 million acres of avoidance areas and 1.2 million acres of exclusion areas across the WDO. These proposed designations encompass about 38 percent of the purported 8 million acres of public lands administered by the WDO. However due to the cryptic description of the alternatives in Chapter 2, the N-2 Boards remains unclear whether these designations and the proposed BLM management in these areas is limited to BLM right-of-way permits for transportation and utility transmission, or extends to include other multiple uses like permitted livestock grazing. Based on this uncertainty, it is apparent these proposals and the corresponding analysis in the FEIS are deficient and not in compliance with NEPA.

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**Issue Number:** PP-NV-Winnemucca-13-07-4

**Organization:** Nevada State Grazing Board N2 District

**Protestor:** Don Jones

**Issue Excerpt Text:**

Moreover, the RMP does not provide any disclosure or scientific information to justify why these grazing standards are required to achieve or maintain rangeland health standards on the WDO. Due to its failure to adequately disclose and fully analyze these actions, the PRMP/ FEIS is deficient and not in compliance with NEPA requirements.

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**Issue Number:** PP-NV-Winnemucca-13-07-6

**Organization:** Nevada State Grazing Board N2 District

**Protestor:** Don Jones

**Issue Excerpt Text:**

From a technical perspective the RMP does not provide any disclosure or scientific information to justify why this restrictive grazing standard is needed to achieve or maintain rangeland health standards on the Winnemucca BLM District. Further, the sampling

methods employed by the BLM do not have the precision to accurately estimate discrete forage use levels like 40 percent on a consistent basis. For this reason forage utilization objectives commonly include a range like a moderate use, which is defined as 40 to 60 percent use of the total annual plant production.

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**Issue Number:** PP-NV-Winnemucca-13-07-8

**Organization:** Nevada State Grazing Board N2 District

**Protestor:** Don Jones

**Issue Excerpt Text:**

Protested Issue: D-LG 1.2 indicates that all options (i.e. permit actions and new range improvements) would be considered to resolve identified rangeland health issues under the Proposed RMP. However, the wording on Pages 4-336 and 4-507 specifies the BLM

will provide priority to grazing permit adjustments over the development of new range improvements to resolve riparian distribution issues. This important distinction is not made clear in the Chapter 2 description for the Proposed RMP and is found incidentally in the FEIS analysis in an inconspicuous manner. These later statements are not consistent with D-LG 1.2 and leads to the conclusion that the description for the Proposed RMP in Chapter 2 is inaccurate and misleading.

Since this proposed action was not adequately disclosed and explained in the Proposed RMP, and possibly other alternatives analyzed in the FEIS, the N-2 Board and public did not have the opportunity to recognize this government action represented a component to the PRMP alternatives and, accordingly, to respond to this significant government action during the public review process. Due to its failure to adequately disclose and analyze this proposed government action, the PRMP/FEIS is deficient and not in compliance with NEPA requirements.

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**Issue Number:** PP-NV-Winnemucca-13-08-66

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

AWHPC also notes that the BLM's statement that, "The RMP analyzes several proposed levels of livestock grazing, up to and including elimination of

livestock grazing." is misleading. Projected reduction in acreage open to livestock grazing under all the alternatives considered except (C-2) is so small as to be considered de minimus, while on the other hand Alternative C-2 is so extreme in its prohibition of all livestock grazing in the WD as to render it unrealistic and therefore highly unlikely to be seriously considered as a viable option.

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**Issue Number:** PP-NV-Winnemucca-13-09-100

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:** It is very hard to understand on what basis BLM has derived its claims of rangeland health that are made in the FEIS. All of the grazing documents in Table 1-4 "Considered for Implementation Level Planning" are older than 5 years. See FEIS 1-15 to 1-19. Plus recreational and other categories of documents in this Table are antiquated as well. This must mean that the rangeland health claims are over 5 years old, and cannot be considered as a "hard look" at the current ecological conditions on this basis alone.

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**Issue Number:** PP-NV-Winnemucca-13-09-105

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

There is no valid baseline presented of the effects of TNR use in the past, and areas where it has been issued, and troubles it has caused -as in the various Folen allotments, allotments near Paradise Valley, etc. Also, conflicts of TNR with a broad variety of environmental factors other than mere "forage" have not been analyzed in this landscape. This EIS fails to provide a sufficient basis for identifying lands where TNR would be issued, and areas it would be prohibited.

BLM has been issuing TNR in many lands where use periods, levels of use, etc. conflict with sage grouse, burrowing owl, wintering big game, recreational uses and enjoyment, and other important values of the public lands. BLM has not analyzed where and when TNR has been issued, and the conflicts it has caused the direct, indirect and cumulative adverse effects of TNR that has been issued across the District.

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**Issue Number:** PP-NV-Winnemucca-13-09-107

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

LG-12 would allow continued active and critical growing period use, ignoring Anderson 1991 BLM Tech. Bull, on bluebunch wheatgrass defoliation, and other work in harmful impacts of defoliation and livestock use during these periods. The active and critical growing periods for bunchgrasses and forbs also overlap with sensitive periods for sage-grouse pygmy rabbit, burrowing owl migratory songbirds, etc. The EIS lacks full and science-based analysis of the adverse impacts of the periods of grazing use it would impose. See Coates et al. 2008, Coates and Delehanty 2008, USFWS WBP Finding for GSG. There is no RMP requirement that would prohibit livestock use during periods that conflict with the needs of TES species for habitat security and freedom from disturbance, such as sage-grouse seasonal habitats, These include lek and breeding/nesting and early brood rearing periods, periods when migratory birds are nesting which commence March 1 and in some cases earlier, periods when pygmy rabbits have young in shallow natal burrows, etc.), or during high recreational use periods in wilderness/WSA lands.

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**Issue Number:** PP-NV-Winnemucca-13-09-111

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

The EIS fails to provide basic information and analysis necessary to understand the impacts of trailing, where, when and how livestock are trailed, and the risk to resources -and also to health of bighorn sheep herds -from trailing/crossing activities. There are serious bighorn sheep disease risk issues with trailing domestic sheep in areas near the NCA and other areas. WWP has documented and complained about this in the past. and the concerns span Winnemucca and Surprise-managed lands. Some of the same grazing operation herds run all over both. There are no measures to track, report on, and count herded animals, minimize strays, minimize spread of invasive species, etc. Herds of cows and sheep can be run right through noxious weeds. Livestock are not required to be quarantined before entering allotments, Basic, common sense measures like this to prevent serious and often irreversible ecological problems are ignored, despite WWP providing alternative and mitigation actions in scoping comments that addresses integrated invasive

species management in relation to grazing and other disturbance activities. Further, in both herding/trailing/crossing and general grazing, the BLM requires no reasonable and prudent non-lethal livestock protection measures to minimize conflicts with native predators. No baseline information is provide on the extent that livestock operations on Winnemucca BLM land cause APHIS or other parties to conduct predator killing activities, and how many predators, when, where and when are killed -and what the ecological effects may be.

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**Issue Number:** PP-NV-Winnemucca-13-09-113  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM discusses "new" developments but fails to count and assess impacts of the existing developments, or consider the land areas where reduction and/or removal of facilities would reduce conflicts with TES species, recreation, and migratory birds.

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**Issue Number:** PP-NV-Winnemucca-13-09-147  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM fails to adequately evaluate the significant benefits of No Grazing using current science. A full evaluation is needed to understand the degree and severity of effects of other alternatives as well to aid in understanding a range of reduced grazing alternatives that need to be examined.

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**Issue Number:** PP-NV-Winnemucca-13-09-149  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM WO 2012-169 requires BLM to develop and analyze RMP alternatives for livestock grazing including reductions. This has not been done, and we Protest this.

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**Issue Number:**

PP-NV-Winnemucca-13-09-62  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM's National Technical Team Report (NTT) and related Instruction Memos for GSG direct BLM to evaluate, minimize and mitigate impacts of livestock facilities and other harms caused by infrastructure and a broad range of land use activities. Here in the Winnemucca RMP, no baseline of facilities or analysis of facility impacts has been provided. This is necessary to show the degree to which facilities have sprawled across the landscape and to analyze the impacts. density (dense fencing or fencing situated in important lek, winter or seasonal habitats is very harmful to sage-grouse -for example).

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**Issue Number:** PP-NV-Winnemucca-13-09-66  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

The damage done by livestock in HMAs has been done under stocking that is well below that which the RMP perpetuates. This has implications for the validity of the process that BLM has used to set AMLs. Fewer livestock have significantly greater impacts than BLM had admitted in the past or admits in the RMP.

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**Issue Number:** PP-NV-Winnemucca-13-09-68  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM fails to develop a reasonable range of alternatives including an alternative that Includes significant reductions in actual grazing use as required under its own IMs.

We also question the BLM's claims that so many allotments are meeting standards, or making progress. There is no allotment-specific information provided or the basis for the claim.

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**Issue Number:** PP-NV-Winnemucca-13-09-72  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM did not clearly identify what was and was not No Action for grazing. The real No Action is the Actual Use, not the inflated active use in Table 3-28.

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**Issue Number:** PP-NV-Winnemucca-13-09-76  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM has provided no body of data and analysis to form the basis for continuing the very high livestock allocations. These particularly run counter to the degree of cheatgrass invasion, wildlife impacts, and other losses of forage, as well as water supply depletion and stressors posed by climate change. They make no sense given that BLM under this same RMP is also allowing large-scale development in many areas of the landscape.

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**Issue Number:** PP-NV-Winnemucca-13-09-78  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

Domestic sheep harbor many diseases that impact human health. These range from bacterial pathogens in water to other organisms in the soils. There is no sampling or other information necessary to understand where soil contamination may be, or

analysis of these pathogens, or any measures to minimize or mitigate disease that may sicken humans.

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**Issue Number:** PP-NV-Winnemucca-13-09-98  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

RMP Table 1-4 contains a list of old grazing documents for some of the allotments. There is no systematic summary of the grazing and facility-related impacts to resources, or current status of conditions. Many of the documents resulted in a proliferation of harmful livestock projects since the days of the MFPs. The full adverse cumulative impacts of these actions and facilities have not been assessed in the new EIS. The gaps in information have not been addressed.

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**Issue Number:** PP-NV-Winnemucca-13-09a-9  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

There is not even an adequate current inventory of the livestock facility infrastructure across the Winnemucca RMP landscape or its adverse footprint to waters, vegetation wildlife, fisheries, recreation, cultural sites, or wild lands. This is despite the growing scientific knowledge and concern about many very adverse effects of facilities to sage-grouse and other species.

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**Summary:**

The BLM's analysis of livestock grazing was flawed for the following reasons:

- Violation of the Taylor Grazing Act by proposing to close allotments identified as "chiefly valuable for grazing" and by providing for use restrictions in certain areas.
- Failure to comply with NEPA in both alternatives development and impacts analysis.
- Failure to follow its implementing regulations (43 CFR 1610.4-9) and the Land Use Planning Handbook by not outlining a monitoring process or management actions for the protection of native forbs.
- Lack of consistency with guidelines set forth in the 2006 Nevada Rangeland Monitoring Handbook, particularly with respect to monitoring and setting RMP objectives.
- Lack of clarity with respect to the mechanism for developing new stock waters.

- Lack of an adequate rationale for closing portions of the planning area to livestock grazing.

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## **Response:**

*Claims that BLM violated the Taylor Grazing Act.*

Federal Land Policy and Management Act of 1976 (FLPMA) grants the Interior Secretary the authority to make land use planning decisions, taking into consideration multiple use and sustained yield, areas of critical environmental concern, present and potential uses of the land, relative scarcity of values, and long-term and short-term benefits, among other resource values (43USC 1711 Sec 201 (a)). 43 CFR § 4100.0-8 provides that the BLM shall manage livestock grazing on public lands in accordance with applicable land use plans. Further, the BLM may designate lands as “available” or “unavailable” for livestock grazing through the land use planning process (H-1601, Land Use Planning Handbook, Appendix C).

Although lands have been identified as “chiefly-valuable-for-grazing” per the Taylor Grazing Act for purposes of establishing grazing districts within the public domain (see, 43 U.S.C. § 315) this does not negate the BLM’s authority or responsibility to manage those lands to achieve resource condition goals and objectives under the principals of multiple use and sustained yield as required by FLPMA and its implementing regulations. Actions taken under land use plans may include making some or all of the land within grazing districts, unavailable for grazing during the life of the plan as well as imposing grazing use restrictions, limitations or other grazing management related actions intended to achieve such goals and objectives.

The BLM’s response to public comment should be clarified at Winnemucca PRMP/FEIS, Appendix M, Pt 1, p. Local & State Agencies-39 (L&SA-PCBCC-1) and Pt 11, p. Individuals-11 (I-Bell-5). The Proposed RMP (Alternative D) does not propose closing the Humboldt River Ranch/Old Victory Highway parcels. However, D-LG 1.3 does propose to close parcels within the Humboldt House and Rye Patch allotments. These parcels are referred to as the I-80 parcels on Figure 2-21. Prior to actual closure, the BLM would conduct a separate closure process that would take into consideration the status of existing range improvements or water rights, for example.

*Claims that BLM violated NEPA with respect to livestock grazing.*

*Claims that by not considering a reduced-grazing alternative, the BLM did not create a full range of alternatives.*

As stated in the Response to comments on the DRMP/DEIS, the BLM has prepared an EIS that analyzes four alternatives, with one alternative having a “no grazing” option (PRMP/FEIS Appendix M Response to Comments NGO, page 281). The range of alternatives was developed to address relevant scoping issues and included working with the Sierra Front Northwestern Great Basin Resource Advisory Council subgroup (PRMP/FEIS Appendix M Response to Comments NGO, page 282).

In Chapter 2, the BLM explains its rationale for selecting the livestock grazing alternatives for analysis:

Four livestock grazing alternatives were developed to include goals, objectives, and management actions that meet BLM regulatory and policy requirements while assuring land health standards are achieved . . . Based on current regulatory requirements, policy, and existing land use plan decisions the [Winnemucca District] would continue to adjust livestock AUMs by allotment on a case-by-case basis to ensure all grazing permits are meeting or making significant progress towards meeting rangeland health standards. Therefore a range of alternatives showing potential increases or decreases of AUMs, that are not supported by monitoring data or achievement of standards for rangeland health, was not considered in this RMP . . . Livestock grazing management also considered a range of alternatives that include a no grazing option under Alternative C. Goals, objectives, and management actions applicable to no grazing have been identified and analyzed in the Final EIS (PRMP/FEIS, page 2-4 – 2-5).

As indicated in the above, a reduced grazing alternative was not considered since a reduction in Animal Unit Months (AUMs) was not supported by the monitoring data available. As such, the BLM WD considered a full range of alternatives for livestock grazing (including a no-grazing alternative) that respond to monitoring data and

achievement of standards for rangeland health.

*Claims that BLM inconsistently defines how livestock grazing management will occur at Key Management Areas.* Action D-LG 1.5 states the following:

"Collect monitoring data to assess livestock permitted use and achievement of resource objectives and standards for rangeland health. Monitor allotments by establishing key management areas such as wetlands, upland riparian and stream bank riparian along with key species. Promote cooperative monitoring with livestock permittees and interested publics."

Text on page 4-506 and 4-507 states the following: "A key management area is the key area that overrides the indicators of the other key areas within the management unit. Management actions are based on the key management areas. In the meadow and upland example, the meadow and upland may each have a key area. Since the meadow is the key management area, if use exceeds the limits on the meadow but not on the uplands, the stocking level will be reduced to meet the riparian objectives although the uplands will also receive less use. If a riparian area is healthy the correlation is that the uplands are usually healthy."

The ROD will clarify monitoring is to be completed by the BLM. The available tools are identified in the selected management action. For example, LG 1.3.1: BLM determines if cause for non-attainment of standards (Wild Horse and Burro (WHB) vs cows) then implement appropriate action (adjust AUM/Appropriate Animal Levels (AML) or season of use, install fences, etc.). Changes in management tools used would be on a case-by-case basis.

*Claims that BLM inconsistently defines implications of LG1.2, making it difficult to provide meaningful comment.*

LG1.2 states, "Use adaptive management principles and practices, including season and duration of use, use restrictions, herding, installation of structural improvements, and adjustment in livestock numbers to achieve resource objectives and standards for rangeland health" for all alternatives except C, Option 2 (which would make all lands in the planning area unavailable to livestock grazing, precluding the need for grazing management).

In analyzing the impacts of the alternatives on WHB, the EIS indicates that Alternative C1, would not include structural improvements by stating, "under this alternative, there would be no fence construction to protect the riparian areas from hot season livestock grazing" (PRMP/FEIS, page 4-336). This statement contradicts the proposed management action outlined in LG 1.2 for Alternative C, Option 1.

In analyzing impacts of the alternatives on livestock grazing management, the EIS again indicates that structural improvements would not be considered for Alternative C, Option 1, by stating, "There would be no fence construction to protect the riparian areas. Protection would occur by reducing livestock seasons of use, altering AUMs, closing areas to livestock grazing, in addition to, the measures identified under Effects Common to All Alternatives" (page 4-507). This again contradicts the management action proposed for Alternative C, Option 1 in LG1.2.

The two referenced sections of the impacts analysis referred to impacts from management actions specifically for vegetation management, not specifically from livestock grazing management. Regardless, the contradiction is confusing. The assumptions in the impacts analysis are correct, and the management actions outlined in LG 1.2 should have been corrected to reflect that fence construction was not one of the management tools available under Alternative C. The ROD will clarify that fence construction is one of the management tools that would be used to reach resource goals and objectives under Alternative D.

*Claims that the BLM failed to use the best available data to inform proposed decisions prohibiting conversion from cattle to sheep grazing in areas with historical, potential, or existing bighorn sheep habitat.*

The issue of not allowing conversion from cattle to sheep grazing was not previously raised in the planning process. It is therefore not a valid protest point.

*Claims that BLM did not clearly articulate if "exclusion" and "avoidance" areas pertain only to right-of-way (ROW) related land use authorizations or also to livestock grazing*

The exclusion and avoidance areas proposed for the various alternatives of the RMP apply to ROW and land use authorizations associated with the lands and realty program, not with lands open or closed to livestock grazing. As



defined in the PRMP/FEIS Glossary:

- **Avoidance Area:** Areas to be avoided but may be available for location of ROW with special stipulations.
- **Exclusion Area:** Areas not available for location of subject to a determination by the District Manager/Authorized Officer to consider location of ROW based on special management criteria.

Livestock grazing authorizations are not considered ROWs.

*Claims that BLM failed to clearly articulate what comprised the no action alternative.*

The concern of the no action alternative being best represented by actual use -- as opposed to existing permitted use -- did not arise previously in the planning process and therefore could not be addressed in the Final EIS. Therefore, this is not a valid protest point.

*Claims that the BLM did not adequately analyze and disclose the impacts of making some or all lands unavailable to grazing (in particular, impacts to wildlife, water rights, increased wildfire risk, and socioeconomic impacts, and rangeland health).*

The issue of impacts of making vacated allotments unavailable to grazing arose earlier in the planning process, specifically with respect to socioeconomic impacts and potential increased wildfire risk (see comment L&SA-N2GB-32, in Appendix M, Public Comments and Responses, Local and State Agencies, pg. 20).

The issue of impacts to wildlife, water rights, and to range improvements did not arise earlier and is therefore not a valid protest point.

Socioeconomic impacts of making some lands unavailable to livestock grazing are addressed on page 4-808 through 4-811 of the PRMP/FEIS. Impacts to wildfire risk are addressed on page 4-398 of the PRMP/FEIS. Further, Alternative B, which does not include forage banks, addresses the concern of increased wildfire risk.

*Claims that the BLM did not adequately justify forage utilization standards or methods of measuring utilization.* The adequacy of justification and ranges of forage utilization standards (versus static percentages) did not arise earlier in the planning process. Therefore, neither protest point is valid.

*Claims that the BLM did not adequately analyze and disclose impacts of WHB use of allotments closed to livestock grazing.*

The issue of WHB over-grazing on lands deferred from livestock grazing arose in comments on the Draft RMP, to which the BLM responded with changing the proposed planning decision D-LG-5.4 to allow opportunities to develop cooperative agreements with permittees (see L&SA-N2FB-34, Appendix M, Local and State Agencies, pg. 20). At the implementation-level cooperative agreement process, determinations would be made as to how to provide water to WHB on allotments made unavailable for livestock grazing. This would be subject to its own NEPA analysis which would include impacts to livestock grazing from WHB use.

*Claims that the BLM did not use the best available science or up-to-date information to address impacts to rangeland health.*

The issue of data relevance and best available science in informing the analysis with respect to rangeland health was addressed in the PRMP/FEIS, "FLPMA Sec. 202(c) gives BLM the discretion to rely to the extent it is available, on inventory of the public lands, their resources and other values" (Appendix M Public Comments and Responses – Non Governmental **Organizations**).

Chapter 4 of the PRMP/FEIS addresses environmental consequences of all livestock grazing alternatives on invasive and noxious vegetation (pg. 4-175), wildlife habitat (pg. 4-266), and water (pg. 4-98). Climate change is also addressed throughout the PRMP/FEIS, particularly with respect to livestock grazing and air resources (pg. 4-34).

*Claims that BLM did not analyze the effects of temporary nonrenewable grazing authorizations; the impacts of livestock trailing; existing livestock developments on resources or how removal of these developments could*

improve key resources.

#### *Temporary Non-Renewable Grazing*

Temporary non-renewable grazing (TNR) authorization was addressed in the PRMP/FEIS in LG 1.11. For the Proposed decision (alternative D), several criteria for resource protection are required in order to approve TNR grazing.

As explained in the PRMP/FEIS “TNR is a discretionary management action that may be authorized if forage is temporarily available and SRH and short term monitoring criteria have been met. The decision to authorize TNR grazing is made at an implementation level and on a case by case basis” (PRMP/FEIS, appendix M: NGO pg. 235).

#### *Livestock Trailing*

As stated in the Response to comments (see NGO-WWP-Fite-117, Appendix M Public Comments and Responses – Non Governmental **Organizations** p. 301), D- LG 1.15, addresses livestock trailing: "In compliance with the “Grazing Administration Regulations at 43 CFR 4130.6-3, issue crossing permits on a case-by-case basis, subject to the following: no crossing permits would be issued if trailing of livestock adversely impacts threatened and endangered species (T&E) populations or habitat, sage-grouse populations or habitat, bighorn sheep, or candidate, proposed, or listed species under the ESA, as amended" (PRMP/FEIS, proposed action LG 1.5, pg. 2-153). As such the BLM would complete additional decision-making, including appropriate NEPA analysis, including alternatives development and resource mitigation measures where appropriate.

#### *Livestock Grazing Infrastructure*

As stated in Response to comments on the DRMP/DEIS: FLPMA Sec. 202(c) (4) gives the BLM the discretion to rely to the extent it is available, on inventory of the public lands, their resources and other values. Alternatives were developed using existing available data. The PRMP/FEIS has been updated to reflect current data and additional information. (Appendix M Public Comments and Responses – Non Governmental Organizations, page 284 [NGO-WWP-Fite-13]).

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### Greater Sage-grouse

Total Number of Submissions: 3

Total Number of Comments: 10

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**Issue Number:** PP-NV-Winnemucca-13-06-12

**Organization:** Pershing County Commissioners

**Protestor:** Darin Bloyed

#### Issue Excerpt Text:

10. Sage Grouse: Pershing County protests and has concerns in relation to the policies and plan contained in Action D-SSS 1.2.N, as it relates to Sage Grouse: The RMP lists several locations as being habitat for sage grouse which do not have sage grouse leks present. The sage grouse ecosystem map developed by the State of Nevada.

Governor's Task Force differs drastically from the maps presented in this RMP. Furthermore, this is an area in which there is conflict between the RMP and

the Natural Resource Plan in that it may interfere with existing uses in these areas.

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**Issue Number:** PP-NV-Winnemucca-13-09-10

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

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**Issue Number:** PP-NV-Winnemucca-13-09-11

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

#### Issue Excerpt Text:

The RMP does not even recognize as priority areas Winnemucca lands determined by NDOW to be essential irreplaceable sage-grouse habitat or lands with leks remaining as priority or special habitat of any kind. See WWP map of current NDOW mapping, and habitat categories. This includes essential, irreplaceable habitat in the Sonoma and

Tobin Ranges, essential irreplaceable habitat in the Trinity Range, large areas of essential irreplaceable habitat in the Massacre PMU in the Granite Range and NE Washoe County including portions of the Buffalo-Skedaddle PMUs.

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**Issue Number:** PP-NV-Winnemucca-13-09-12

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

It also ignores and writes off to near-total development and abuse, and sacrifice management the presence of active leks in the Majuba Range. An active lek in the East Range, the presence of 7 unknown leks in the Jackson Mountains, and other habitat crucial habitats that are essential to sustain an inter-connected population of sage-grouse in the southern and central Great Basin. No mapping of important seasonal ranges is provided, or analysis of how the local populations use the landscape, or if the populations are migratory. See Connelly et al. 2004. This is one of many seminal sagebrush landscape and sage-grouse ecology and conservation documents that the RMP completely ignores.

Thus, Jackson, Sonoma, Humboldt, East Range, Eden, Majuba, Humboldt, Shawave, Slumbering Hills PMUs, plus Massacre, Santa Rosa, Sheldon and perhaps other areas as well are not considered as any priority habitat - and are sacrificed to development and commodity management.

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**Issue Number:** PP-NV-Winnemucca-13-09-13

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM fails to analyze at all the risk posed to the southern and central portions of the district from potential development under the solar programmatic EIS. Sage-grouse habitats that are not considered a higher priority may end up being developed for industrial solar energy. This development entails large-scale energy facilities, bulldozing, transmission lines, and a host of other impacts to habitats and wild lands. BLM does not adequately assess the differences between ROW avoidance vs. exclusion areas.

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**Issue Number:** PP-NV-Winnemucca-13-09-139

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

Knick and Connelly 2009/2011 Garton Chapter provided estimates of some populations -based on 2007 and prior lek counts. This is essential information that is not even included. Plus, this must be updated to the present with detailed population viability analysis for the EIS and surrounding area - the local area and region - so that a hard look at the current status and dire straits of populations can be taken.

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**Issue Number:** PP-NV-Winnemucca-13-09-141

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

The EIS is so devoid of current biological information that there is no discussion of the 2004 GSG Conservation Assessment, the 2009 Knick and Connelly et al Sage Grouse Monograph Studies in Avian Biology.

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**Issue Number:** PP-NV-Winnemucca-13-09-15

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM completely ignores the adverse cumulative effects of the recent wild fires across the region on all sensitive sagebrush species, and declining leks in Vale Oregon BLM lands contiguous with the Santa Rosa region. Vale Oregon Holloway fire lands, Vale Long Draw fires lands in the Trout Creek Mountains and West Little Owyhee adjacent to the Quinn watershed and Santa Rosa PMU, and fires in the Buffalo-Skedaddle area straddling the California border. All of these recent fires -including Montana Mountains that had been billed as Nevada's premiere sage-grouse habitat, have been dramatically altered in 2012 and other recent fires. See WWP ODFW Louse Canyon mapping showing large areas of core habitat -much of which burned in Long Draw fire in 2012. This is located contiguous with the Winnemucca Little Owyhee-Santa Rosa area, and the Trout Creek/Oregon Canyon country is contiguous with the Montana Mountains. BLM never even bothers to discuss the calamitous recent loss of essential irreplaceable habitat (and PPH) in the Montana Mountains and Bilk Creek Ranges and elsewhere. It

is ignored under sensitive species, sage-grouse, pygmy rabbit, native vegetation and fire sections of the RMP. The mapped vegetation communities are very general, and "potential" -not what is actually present on the land.

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**Issue Number:** PP-NV-Winnemucca-13-09-17  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

WWP stresses that the recent sage-grouse and sagebrush sensitive species habitat losses and increased habitat fragmentation occurred in years after the time period that was considered in the Garton et al. population analysis Chapter in Knick and Connelly 2009/2011, and after the "core"

analysis of Doherty et al. in 2010 (based on older lek data). Passing mention is made of 75% "core" habitat in a confusing part of Alt. D. The 75% core habitat mapping of Doherty no longer accurately reflects the status of habitats and leks in Nevada and the region since the recent fires.

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**Issue Number:** PP-NV-Winnemucca-13-4a-2  
**Organization:**  
**Protestor:** Mike Stremmler

**Issue Excerpt Text:**

Action D-SSS 1.2.N Sage Grouse: Many places that are listed as habitat do not have sage grouse leks presently; the sage grouse ecosystem map from the Governors sagebrush task force differs drastically from the maps presented in this RMP.

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**Summary:**

The Winnemucca PRMP/FEIS contains discrepancies for sage grouse habitat where there are no sage grouse leks present as well as the following:

- There is no baseline discussion or data for sage grouse habitat and populations to understand the impacts to commodity allocations and mitigation.
- The PRMP/FEIS ignores priority or special habitat areas as analyzed by the Nevada Department of Wildlife.
- The PRMP/FEIS ignores specific crucial habitat areas and does not provide adequate sage grouse analysis for seasonal ranges or local population use.
- The BLM does not analyze the risk to habitats from potential development under the programmatic solar EIS.
- The PRMP/FEIS lacks a substantive discussion of existing sage grouse studies and reports.
- The BLM does not provide an adequate discussion of the cumulative impacts to sagebrush and sage grouse habitat following wildfires in the region.

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**Response:**

Regarding discrepancies between sage grouse habitat and leks, the BLM's Response to FA-USFWS-2 notes that "The BLM addresses protection of leks within Priority Sage-Grouse Wildlife Habitat areas and within Population Management Units in the PRMP/FEIS. Management of these areas will take into consideration core breeding habitats. The Sonoma Range was not included in the Priority Wildlife Habitat designation due to its proximity to urban areas, checkerboard land status, and the amount of split estate lands. Furthermore, a portion of the Sonoma range lies within the municipal watershed which has protection measures that would also, indirectly, protect wildlife." (PRMP/FEIS, Appendix M, pg. Federal Agencies - 10). A snapshot of sage-grouse habitat and sage-grouse populations is provided in the affected environment chapter of the PRMP/FEIS. The sagebrush steppe habitat is initially described in Section 3.25 (PRMP/FEIS p. 3-37) and then in more detail in section 3.2.9.1 (PRMP/FEIS p. 3-48). A brief summary of the condition of the greater sage-grouse species in the planning area is described further in section 3.2.10.5 (PRMP/FEIS, pgs. 3-76 to 3-77). Baseline inventory is updated as funds and workloads permit, and is completed for resource values per the Federal Lands Policy and Management Act (FLPMA): " The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values..." (FLPMA Sec. 201 [43 U.S.C. 1711] (a)). Baseline data for sage grouse habitat

and populations was brought up in a letter from WWP dated 24 September 2010. The BLM's Response in NGO-WWP-Fite-4 stated that "FLPMA Sec. 202(c) (4) gives the BLM the discretion to rely to the extent it is available, on inventory of the public lands, their resources and other values. In the Affected Environment, the DEIS described information related to key special status species for management which included: Pygmy Rabbit (DEIS p. 3-58), Sage-Grouse (DEIS pgs. 3-58 & 3-59), Western-Yellow-Billed Cuckoo (DEIS p. 3-59), Columbia Spotted Frog (DEIS p. 3-59), Yellow-Breasted Chat (DEIS p. 3-59), and Ferruginous Hawk (DEIS p. 3-52). Management actions to protect healthy habitat for sensitive species and to provide mitigation measures to reduce impacts are included in Objective SSS 1 (DEIS p. 2-79), and management actions SSS 1.1 and 1.3. Alternatives were developed using existing available data, input from the Sierra Front-Northwest Great Basin RAC Subgroup, Cooperating Agencies, and from issues identified through public scoping". (PRMP/FEIS, Appendix M, pg. Non-Government Organization - 281).

Priority or special habitat areas were primarily based on maps provided by the Nevada Division of Wildlife (NDOW). The BLM also notes, in B-Newmont-31, "Section 2.4.5—Wildlife and Special Status Species in the PRMP includes an additional rationale for designating priority wildlife habitat areas and delineating preliminary priority sage-grouse areas. The BLM used sage grouse population management unit (PMU) boundaries as the foundation to define wildlife priority habitat, preliminary priority sage grouse habitat areas and ROW exclusion areas. General sage -grouse habitat areas primarily correspond with the lower priority PMUs and ROW avoidance area boundaries with exception of some areas containing important wildlife values (See D-SSS 1.2N). Priority wildlife habitat areas (See D-FW 1.2) and priority sage-grouse habitat areas (See D-SSS 1.2.1) reflect the same footprints as ROW exclusion areas as use restrictions under the wildlife and special status species management exclude ROWs. The PRMP/FEIS includes an impact analysis based on these proposed management actions. Also see Figure 2-5." (PRMP/FEIS, Appendix M, pg. Business - 63). In Response NGO-WWP-Fite-115, the BLM states that "Several factors went into the determination of Priority Wildlife Habitat Areas. As a starting point, and through cooperation with NDOW, the areas that are designated as Population PMUs for the candidate species Greater Sage-grouse were reviewed. Many of these areas are also inhabited by the threatened species Lahontan Cutthroat Trout (LCT). Of these areas, the ones considered to be the most crucial for protection due to presence of at-risk wildlife species habitat, are those proposed as Priority Wildlife habitat areas. The PRMP clarifies management of these areas to include use restrictions and permit stipulations applicable to certain minerals and ROWs proposals in order to protect these areas." (PRMP/FEIS, Appendix M, pg. Non-Government Organization - 300).

As discussed in the PRMP/FEIS, the BLM is considering management of Greater-Sage Grouse in the Winnemucca planning area in the ongoing Nevada and Northeastern California Greater-Sage Grouse land use plan amendment process and associated EIS. The Nevada/ NE California amendment includes a full analysis of all applicable GRSG Conservation measures as directed by BLM Instruction Memorandum No, 2012-044. As part of the Nevada/NE California amendment, the BLM is analyzing a comprehensive set of management decisions for Greater-Sage Grouse for the Winnemucca district and expects to issue management decisions for Greater-Sage-Grouse for the district. . It is the BLM's intent that, in the interim period between issuance of the Winnemucca ROD and the GRSG amendment, the public lands in the Winnemucca district will be managed pursuant to the Winnemucca ROD in addition to any other applicable law or policy, including BLM IM 2012-043.

Regarding the analysis for sage grouse crucial habitat, seasonal ranges and local population use, the PRMP/FEIS does discuss the effects of special status species management on sage-grouse habitat (PRMP/FEIS, pgs. 4-302 to 4-305). For example, the analysis for Alternative A states that the management for sage-grouse habitat would rely upon guidance from the Western Association of Fish and Wildlife Agencies (WAFWA) and the Greater Sage-grouse Conservation Plan for Nevada and California. However, Alternative D's analysis finds that, while the actions and potential impacts from structures on active leks is similar to Alternative A, mitigation measures and surface disturbance restrictions would help protect sage-grouse habitat and other sensitive species habitat.

In Response NGO-WWP-17, the BLM states that the "Cumulative effects were analyzed by section in Chapter 4. Fire history information was updated and is provided in Chapter 3 – Table 3-19. The cumulative impact analysis has been updated in the PRMP/FEIS. (PRMP/FEIS, Appendix M, pg. Non-Government Organization - 318).

The risks to habitats from potential development under the Programmatic Solar EIS (PEIS) were analyzed during the development of that document. Existing environment for sage grouse was addressed in the Draft Solar PEIS (Dec. 2010) at p. 4-86. Impacts to sage grouse habitat were discussed in the Draft Solar PEIS starting at p. 5-74 (section

5.10.2). This information was updated in the Final Solar PEIS (2012). It should be noted that the Winnemucca District was not identified as having a solar energy zone.

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### Special Status Species

Total Number of Submissions: 1

Total Number of Comments: 8

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**Issue Number:** PP-NV-Winnemucca-13-09-109

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:** BLM also fails to prohibit or restrict livestock disturbance during periods when LCT and other native aquatic species may have redds/developing eggs, or vulnerable fry present. In the small streams of the WO, livestock readily wade into and trample aquatic substrates, stirring up sediment that chokes developing young, egg masses, etc. and can directly take and/or injure or harm aquatic species young.

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**Issue Number:** PP-NV-Winnemucca-13-09-137

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:** BLM fails to inventory and map whitebark pine occurrences for this RMP effort.

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**Issue Number:** PP-NV-Winnemucca-13-09-143

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

Habitat fragmentation should be avoided and prohibited. No prescribed fire, sagebrush mowing, hacking or herbiciding should be allowed in or near any occupied or potential Pygmy Rabbit habitats. Alt. D would allow destruction of burrows -all that would have to occur is an inventory -and then the burrows that were detected and the habitat surrounding them could be destroyed, this violates FLPMA and the BLM's sensitive species policy. It promotes undue degradation of wildlife resources and habitats.

**Issue Number:** PP-NV-Winnemucca-13-09-19

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

There is no analysis of the current condition of vital habitats for rare plant and animal populations (like sage-grouse, pygmy rabbit, loggerhead shrike, yellow-breasted chat, pinyon jay, ferruginous hawk, golden eagle). There is no assessment of diminishment of habitat quality and quantity, and measures needed to restore habitats and effectively mitigate allocation/activity harm. Their population viability over the short, mid and long term under the alternatives is not examined scientifically.

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**Issue Number:** PP-NV-Winnemucca-13-09-23

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

The Final RMP does not adequately address the risk of contact between bighorn sheep and domestic sheep and goats. In fact, the Final Winnemucca RMP relies on only two, woefully outdated studies on bighorn sheep that don't address the risk of contact and consequences of contact between bighorn and domestic sheep or goats. The preferred alternative relies on scientifically untested and inadequate SOP's and BMP's with no real analysis of risk of contact between bighorn and domestic sheep or goats. There have been a number of bighorn sheep die-off events in recent years with more than 1,000 bighorn sheep deaths.

- I-lay's Canyon Range in northwestern Nevada (2008).
- Ruby Mountain and Humboldt Ranges, Nevada (1995 and 2009).
- Snowstorm Mountain Range, Nevada (2011).
- Mojave National Preserve (ongoing).
- River Mountains, Nevada (ongoing).
- Yakima River Canyon, Washington (2009).
- Uinta Mountains, Utah (2009).
- Gros Ventre, Wyoming (2009). Many recent scientific articles have conclusively demonstrated that domestic sheep are capable of transmitting

deadly diseases' such as *Mannheimia haemolytica*, *Pasteurella trehalosi*, *Pasteurella multocida*, and *Mycoplasma*. WAFWA recommends maintaining separation between bighorn and domestic sheep or goats. The USFS has developed a tool called the Bighorn Sheep Risk of Contact Tool which has been used by the BLM for analysis of risk of contact between bighorn sheep and domestic sheep or goats associated with BLM permitted grazing in the Owyhee Field Office of Idaho. This tool is freely available to the agency and represents a tool developed with an understanding of current, best available science which overwhelmingly indicates that even one interaction between bighorn and domestic sheep or goats can result in a large scale die-off among bighorn sheep and can have very long lasting effects on the surviving individuals and their progeny.

This tool was developed as part of the Payette National Forest Supplemental Land and Resource Management Plan which designated areas as suitable and unsuitable to domestic sheep and goat grazing based on risk of contact between those species and bighorn sheep.

This threat imposes an undue degradation of wildlife resources across much of the Winnemucca District and affects the economic values, wildlife values, and viability of an important wildlife species. The BLM is required to use the best available science to ensure that BLM approved activities don't threaten the viability of wildlife.

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**Issue Number:** PP-NV-Winnemucca-13-09-25

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

Other outbreaks of deadly disease among bighorn sheep have been associated with contact with cattle. The BLM must analyze the risks associated with BLM permitted cattle grazing, especially during severe drought conditions when cattle and bighorn sheep seek out water sources and may come into contact.

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**Summary:**

The Winnemucca PRMP/FEIS fails to:

- Prohibit or restrict livestock disturbance when LCT and other aquatic species may have young populations present.
- Inventory and map whitebark pine occurrences.
- Provide adequate protections for pygmy rabbit habitat.

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**Issue Number:** PP-NV-Winnemucca-13-09-27

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

G 4.1 and LG 4.2 allow for conversion of cattle grazing to sheep grazing and vice versa. When considering any such conversion a risk of contact analysis must be undertaken to ensure that domestic sheep or goat grazing does not imperil existing or potential bighorn sheep populations.

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**Issue Number:** PP-NV-Winnemucca-13-09-29

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM fails to adequately consider removal of livestock and beaver recovery to enhance Lahontan cutthroat recovery. Beaver restoration, with accompanying livestock removal, to these many degraded Lahontan cutthroat streams should be analyzed. Beavers play an important role in stream ecology and greatly influence water tables and riparian soils. These influences store water for a longer period of time, stabilize soils, raise water tables, possibly lower water temperatures, and enhance riparian vegetation, making Lahontan cutthroat restoration in streams more feasible and successful.

Talaber (2003) found higher numbers of adult cutthroat in beaver ponds in sections of a nearby stream in southeast Oregon's Coyote Basin where temperatures reached lethal levels making the assumption that "survival is greater in beaver ponds than free-flowing sections as temperatures approach lethal limits."

- Provide an adequate baseline for habitat quality and quantity for rare plant and animal populations.
- Sufficiently address the risk of contact between bighorn sheep and domestic sheep and goats.
- Address the impact of removing livestock and beaver recovery to enhance LCT recovery.

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**Response:**

The U.S. Fish and Wildlife Service (USFWS) provided the BLM with a list of species that were listed as threatened or endangered under the Endangered Species Act that may occur in the WD planning area (PRMP/FEIS, Appendix D). The LCT was included in the list of species identified in the USFWS report. The BLM’s analysis in Chapter 4 found that LCT could be directly impacted by livestock grazing from increased sedimentation, stream bank trampling, or habitat loss. This applies to Alternative D, which was similar to Alternative A. However, the PRMP/FEIS notes that actions would be taken to mitigate livestock grazing impacts on special status species habitat, including protecting riparian areas, using adaptive management principles, issuing grazing permits subject to land health standards and guidelines, and relinquishing grazing permits, if necessary (Winnemucca PRMP/FEIS, pgs. 4-311 to 4-313). Further, in Response NGO-WWP-Fite-123 the BLM notes that "The LCT Recovery Plan is a separate planning document. Actions that address LCT recovery are addressed at D-SSS2, D-SSS 2.1 and D-SSS 2.2." (PRMP/FEIS, Appendix M, pg. Non-Government **Organization** - 301).

In the PRMP/FEIS, Whitebark pine is identified as present in the planning area. The habitat for Whitebark pine comprises “dry, windy, and cold sites characterized by rocky, poorly developed soils and snowy, windswept exposures”...at an elevation between 1300 to 3700 meters (PRMP/FEIS, pg. 3-65). Under section 3.2.6, the BLM notes that limber and whitebark pine forest account for 5060 acres in the planning area (PRMP/FEIS, pg. 3-41).

While the PRMP/FEIS does not detail specific measures for protecting pygmy rabbit habitat, it does provide mitigation measures designed to achieve the same purpose for sensitive species in general (see SSS 1.3, PRMP/FEIS p. 2-88). The PRMP/FEIS does note that inventories and subsequent actions for pygmy rabbits and other sensitive species would be conducted if necessary. The actions that would protect special status species are analyzed on page 4-302 of the PRMP/FEIS. The Alternative D analysis for special status species states that habitat for special status species would be maintained (PRMP/FEIS, pg. 4-305).

With regard to the issue of inadequate baseline data for sensitive species, the PRMP/FEIS discusses special status species in the planning area. Table 3-16, in section 3.2.10, describes whether or not a specific species has been documented in the area, as well as describing their habitat requirements. This data was assimilated from a variety of sources, including the USFWS, U.S. Department of Agriculture, and Nevada resources (PRMP/FEIS, pgs. 3-61 to 3-72).

Finally, the PRMP/FEIS does address risks of contact between bighorn sheep and domestic sheep populations that could occur in the environmental consequences chapter of the PRMP/FEIS. For example, section 4.2.10 analyzes the potential impacts of disease transmission for all of the alternatives that are being considered (PRMP/FEIS, pgs. 4-287 to 4-326). Also, Response NGO-WWP-Fite-116 states: "It is an RMP objective to allow for the reintroduction of bighorn sheep in cooperation with NDOW into areas with available suitable habitat. See Objective D-FW 1. Action D-LG-4.1 does not permit livestock class conversions from cattle to sheep in allotments containing historical, existing, or potential big horn sheep habitat." (PRMP/FEIS, Appendix M, pg. Non-Government **Organization** - 301).

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**FLPMA – Consistency with other Plans**

*Total Number of Submissions: 1*

*Total Number of Comments: 5*

**Issue Number:** PP-NV-Winnemucca-13-06-17

**Organization:** Pershing County Commissioners

**Protestor:** Darin Bloyed

**Issue Excerpt Text:**



13. Livestock Grazing: Pershing County protests action identified in D-LG 1.3, wherein livestock grazing on parcels along I-80 between I-80 right of way fence and the railroad. There is no scientific or valid reason for this *[area being closed to grazing]*. There are multiple permittees that use this land for their overall livestock operations. The Duncan Ranch of Pershing County would be affected negatively. The Bell Ranching Operation has pending water rights within this area. This action would remove the land from multiple use to useless and prone to fire. This will not be considered consistent with any management goals of the BLM or of Pershing County. We encourage the BLM to manage this land for grazing purposes and fuels reduction. This is an area in which there is significant conflict between the RMP and the Natural Resource Plan.

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**Issue Number:** PP-NV-Winnemucca-13-06-23  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

23. MINING: Pershing County protests in relation to mining, Alternatives B, C, and D in that they propose a change in land use designation for locatable mineral claims from "Open with Standard and Special Stipulations" to "Open with Special Mitigation on

Operations." While the effects of the proposed change would not impact the claims themselves, they could affect the operational proposals for exploration and development of locatable minerals. This creates a conflict with Pershing County's Plan which supports unrestricted mineral withdrawal activities in the County because it segregates those activities by elevating the costs associated with other mitigations and may result in operational restrictions. This could affect whether Organizations could continue development activities and could result in reduced economic development, which also conflicts with Pershing County's Natural Resource Plan.

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**Issue Number:** PP-NV-Winnemucca-13-06-4  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

3. Coordination and Resolution of Inconsistencies with Pershing County's Natural Resource Plan: Pershing County has passed a Natural Resource Plan. In issuing the RMP, the BLM failed to follow 43 CFR 1610.3-1 (e) by failing to show how the Inconsistencies between the RMP and the Natural Resource Plan were addressed and, if possible, resolved. (Page 8-70 Pershing County Natural Resource Plan). There are obvious inconsistencies between the RMP and NRP, yet no coordination took place to resolve these Inconsistencies.

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**Issue Number:** PP-NV-Winnemucca-13-06-5  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

4. RMP Changed Forage Requirements that were Set Forth in the Proposed RMP. Changes, which are detrimental to local businesses who use Public Lands, were made in the RMP that were never disclosed in the proposed RMP. An example of one such change occurred in the residual forage requirement. The proposed residual forage requirement was set at fifty percent (50%) in the Proposed RMP (utilization would be at less than fifty percent (50%). However, in the current RMP, the residual forage requirement was set at sixty percent (60%) (utilization would be at less than forty percent (40%). The failure to disclose the change in the Proposed RMP prevented any discussion by local interests. This is an area in which there is conflict between the RMP and the Natural Resource Plan.

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**Issue Number:** PP-NV-Winnemucca-13-06-7  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

6. Water Development: In the RMP, Action D-WR 2.2 indicates that water resources will be developed by the BLM. While Pershing County agrees with the concept of developing water resources for wildfire suppression, Pershing County opposes monopolizing these resources for wild horses and burros. In fact, Pershing County would recommend cooperative agreements with ranchers to develop more water resources for fire-suppression-related activities that do not involve wild horses and burros. This is an area in which there is conflict between the RMP and the Natural Resource Plan, but where minor adjustments

could make the local-Federal relationship very productive.

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### **Summary:**

The FEIS does not adequately discuss FLPMA conformance in regard to:

- Proposal in Alternatives B, C, and D to change land status designations for locatable mineral claims.
  - Pershing County's Natural Resource Plan, with specific concerns on potential reductions in grazing allotments, residual forage requirements, and water resource development.
- 

### **Response:**

The BLM's planning regulations require that land use plans must "be consistent with the officially approved or adopted resource related plans, and the policies and programs contained therein" of local governments, as long as these resource-related plans are also consistent with the purposes, policies and programs of federal laws and regulations applicable to public lands, including FLPMA (43 C.F.R. § 1610.3-2(a)). The BLM has worked closely with state and local governments during the preparation of the Winnemucca PRMP/FEIS. The PRMP/FEIS lists the plans that the BLM considered for consistency during the planning process in section 1.8 of chapter 1 (PRMP/FEIS, pgs. 1-22 to 1-24).

In the Response to comments to the Pershing County Board of Commissioners on the DRMP/DEIS, BLM stated that it adheres to FLPMA 202(c)(1) with respect to local plan consistency. BLM is required to ensure that RMPs developed under FLPMA are consistent with state and local land use plans only if consistent with federal law. (PRMP/FEIS Appendix M, Local & State Agencies, pg. 39)

Regarding the areas proposed for closure to livestock grazing, please refer to response above in the Livestock Grazing section.

On the topic of water developments, BLM will operate in compliance with state water law and seek to use the most effective means to manage the health of the land and its multiple uses. This is reflected in the management actions listed under Water Resources starting on page 2-23 of the PRMP/FEIS. Action CA-WR 3.1 and Action WR 2.2 (A-D) (PRMP/FEIS p. 2-23 and 2032, respectively) do not declare that the BLM shall file for more than one beneficial use on a single water right. Water rights actions taken by the BLM will be in benefit to multiple uses of the land. When water rights for multiple beneficial uses are required, the BLM will attempt to obtain them. (PRMP/FEIS, Appendix M, Part 9, pg. Business - 11).

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### **FLPMA – Data Errors**

*Total Number of Submissions: 2*

*Total Number of Comments: 2*

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**Issue Number:** PP-NV-Winnemucca-13-09-64

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

### **Issue Excerpt Text:**

Table 3-29 appears to contain missing information. The "total allotments assessed"

acreage information does not add up to the preceding range assessment information tally of acres.

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**Issue Number:** PP-NV-Winnemucca-13-09a-13

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

### **Issue Excerpt Text:**

There is no systematic current baseline inventory for a wide array of rare and declining native biota including the full range of current sensitive species. There is no analysis of the current status of habitats

for rare plant and animal populations (like Sage Grouse, Pygmy Rabbit, Loggerhead Shrike, Yellow-Breasted Chat, Pinyon Jay, Ferruginous Hawk, springsnails), or their viability over the short, mid and long term. BLM merely consults databases. These databases are typically based on surveys done when a project like a mine or livestock facility is developed in a specific site. So there are tremendous gaps in information in areas that have never been surveyed. Plus animals or plants that were present

pre-project development may no longer be surviving. Thus the status of the species may be more dire than past records reflect. FLPMA requires that BLM have a current inventory of its land and resources -yet there is no inventory of occurrence of the great majority of TES species, and the quality, quantity and configuration juxtaposition of the sensitive and other species habitat that is present. We Protest this.

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### Summary:

The PRMP/FEIS information for "total allotments assessed" in Table 3.29 is incorrectly calculated. There appears to be missing information in the baseline data for many sensitive species.

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### Response:

With regard to the issue of missing baseline data for sensitive species, the PRMP/FEIS does summarize special status species in the planning area. Table 3-16, in section 3.2.10, describes whether or not a specific species has been documented in the area, as well as describing their habitat requirements. This data was assimilated from a variety of sources, including USFWS, U.S. Department of Agriculture, and Nevada resources (Winnemucca PRMP/FEIS, pgs. 3-61 to 3-72).

Section 4.2.10 goes on to further summarize the impacts of different management actions on federally listed, proposed, or candidate, state threatened or endangered, or BLM sensitive species. The impacts analysis on special status species included an assessment of potential disturbances, destruction, or modification of habitat, as well as impacts that could improve wildlife, plant, and aquatic habitat (Winnemucca PRMP/FEIS, pgs. 4-288 to 4-289).

Regarding the comment about Table 3.29, the Number of Allotments adds up to 70 which is consistent with the Total Allotments Assessed value. The Total Area in Allotments adds up to 5,549,446 which is not the same as the Total Allotments Assessed value (6,361,876). The footnote states that the data was based on annual reports and those allotments not meeting standards were reevaluated in subsequent years; thus, the same area may have been assessed more than once. Because the RMP documents took multiple years to develop, it is possible that acreage was altered between the categories which would have changed the Total Allotments Assessed value from the added value of categories. Additionally, the GIS shape files have evolved over time which may produce inconsistencies. This is addressed in the Executive Summary (ES-25) in Volume I, in the "Note" at the bottom of the page.

### FLPMA – Lands for Disposal

*Total Number of Submissions: 1*

*Total Number of Comments: 1*

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**Issue Number:** PP-NV-Winnemucca-13-09-60

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:** The FEIS is confusing. Under Alt. D, BLM would only guarantee retaining 5,930,012 acres. Then later FEIS 2-247 mentions disposal of 1,299,425 acres through

sale or exchange. So what happens to the other large land area? RMP text at 3-151 describes the 1999 plan amendment as "public lands may be suitable for disposal through transfer to another agency, exchange, or public sale". Mapping in the Appendices does not show the lands that could be transferred to another agency. Instead, it misleads the public under Alt. D mapping by only showing the lands for exchange or sale -and not the potential transfer land allocation, and thus not the full scale of the land loss the RMP would allow.

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### Summary:

The PRMP/FEIS misleads the public by only showing the lands for exchange or sale and not the potential transfer land allocation, and thus not the full scale of the land loss the RMP would allow.

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**Response:**

With regard to land retention and disposal concerns, the BLM noted in Response NGO-WWP-Fite-32 that lands identified for disposal in the DRMP are suitable for disposal as they meet the criteria stated in FLPMA and the PRMP. It also states that “No lands will be disposed of that have critical values”. (PRMP/FEIS, Appendix M, Part 7, Non-Government Organization pg. 288).

It is correct that the maps do not differentiate between areas identified for disposal versus areas identified for transfer or exchange. The BLM lands program guidance is to start with the whole district as being retained, and then identify areas as suitable for disposal through sale, exchanges or transfers. Of the 7.2 million acres in the planning area, 5,930,512 acres were identified for retention under Alt D. The proposed Alternative D identifies 1,299,425 acres as being suitable for disposal. The sum of the two figures is 7,220,038 acres, or roughly 7.2 million acres. Data from geographic information systems (GIS) have been used in developing acreage calculations and may not reflect exact measurements or precise calculations. (PRMP/FEIS p. 2-1).

**NEPA – Baselines**

*Total Number of Submissions: 2*

*Total Number of Comments: 14*

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**Issue Number:** PP-NV-Winnemucca-13-09-153

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

We Protest the failure to analyze and adequately address minimizing light pollution and protecting the darkness of night skies. This is necessary to consider to protect wild land values of solitude and primitive and unconfined recreation, and to protect migratory birds, bats and native insects from potential lethal collisions.

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**Issue Number:** PP-NV-Winnemucca-13-09-2

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

In the MFPs, there were concrete goals/objectives/actions to improve native vegetation communities, often based on information collected in Ecological Site Inventory. Were they met -if so, where? If not, what degree of continued degradation must be addressed? How many geothermal or other energy rights of way, oil and gas leases, mining claims, mines, etc. are currently issued/operative and where are they located in relation to critical sage-grouse or other habitats? What would be the impacts

if these were developed, or current development trends continue? This is necessary to understand if - for example - even a single additional acre should be leased in important wildlife, sensitive species, recreational and other use areas. We protest the failure to do this.

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**Issue Number:** PP-NV-Winnemucca-13-09-21

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

RMP mapping does not reflect the current extent of vegetation communities, and merely reflects potential. No information is provided on what actually is present on the ground now, where sagebrush and salt desert communities remain, and their actual current condition.

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**Issue Number:** PP-NV-Winnemucca-13-09-32

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

A full current inventory of the footprint of mining/minerals activity of all types, grazing facilities, energy projects, communication tower facilities, road networks. etc. is not provided in the RMP. Without a current baseline of development and overlay of all of these impacts and threats -a valid EIS process cannot occur.

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**Issue Number:** PP-NV-Winnemucca-13-09-34  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:** There is no Baseline of fence densities location of fences, or other factors at present.

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**Issue Number:** PP-NV-Winnemucca-13-09-38  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM has seeded hundreds of thousands of acres with crested wheatgrass (including following fires), yet provides no complete current inventory of the extent of seeded exotics in the District.

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**Issue Number:** PP-NV-Winnemucca-13-09-4  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

There is no systematic analysis of the vast areas of the RMP lands that have burned in wildfires in the local and regional area in recent years, that have been seeded with exotic crested wheatgrass or forage kochia weeds, or are currently invaded by cheat grass invasive annual grasses, are at significant risk of cheatgrass invasion. Increase, or dominance and loss of native biota under the RMP proposed actions. There is no current baseline of the loss of mature and old growth sagebrush and salt desert shrub communities -vegetation information is presented as potential communities only.

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**Issue Number:** PP-NV-Winnemucca-13-09-6  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

Vast areas of BLM lands (much of the Montana Mountain region) have no grazing analysis ever conducted -except the old range info with the MFPs. The RMP makes claims that lands are meeting or making progress to rangeland health standards -but provides no updated information to support this. Just because BLM claimed building more fences, or

rotating cows in a different grazing scheme direction would improve conditions does not mean it actually has done so. There is no follow-up to see if promises have materialized.

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**Issue Number:** PP-NV-Winnemucca-13-09-8  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

There is not even an adequate current inventory of the livestock facility infrastructure across the Winnemucca RMP landscape, or its adverse footprint to waters, vegetation wildlife, fisheries, recreation, cultural sites, or wild lands. This is despite the growing scientific knowledge and concern about many very adverse effects of facilities to sage-grouse and other species. The RMP greatly lacks necessary protective standards to regulate livestock use and impacts to lands, waters, and biota. See Connelly et al. 2004, Knick and Connelly 2009/2011. We Protest this.

The Winnemucca RMP lacks firm, integrated baseline data and analysis on ecological conditions - ranging from extent of cheatgrass invasion, dominance and vulnerability to the extent of perennial flows (if any remain) that remain in springs and streams across the District, to the footprint and impacts of livestock facilities that kill and harm wildlife like sage-grouse and antelope, or that may harbor West Nile virus that kills people, migratory birds, and sage-grouse. So BLM cannot ensure it has properly minimized and/or mitigated significant adverse effects of its allocations under a new RMP. See Connelly et al. 2004, Knick and Connelly 2009/2011 Studies in Avian Biology.

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**Issue Number:** PP-NV-Winnemucca-13-09a-11  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

The Winnemucca RMP lacks firm, integrated baseline data and analysis on ecological conditions- ranging from extent of cheatgrass invasion, dominance and vulnerability to the extent of perennial flows (if any remain) that remain in springs and streams cross the District. to the footprint and impacts of livestock facilities that kill and harm wildlife like sage-grouse and antelope, or that may harbor West Nile virus that kills people, migratory birds. and sage-grouse. So BLM cannot ensure it has properly minimized and/or mitigated significant

adverse effects of its allocations under a new RMP.  
See Connelly et al. 2004, Knick and CorlJelly  
200912011 Studies in Avian Biology.

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**Issue Number:** PP-NV-Winnemucca-13-09a-2  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

Underlying this is a complete failure to even provide a baseline of Winnemucca District water depletion and scarcity, climate change issues and effects, desertification processes (current extent and degree to which continued disturbance activities and allocations will increase or amplify desertification of watersheds and habitats for populations of aquatic and terrestrial biota), etc.

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**Issue Number:** PP-NV-Winnemucca-13-09a-6  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

There is no systematic current Ecological Site Inventory underlying the old AMS or the 2013 FEIS - that so that a full understanding of the basis for any claims of current or future sustainability and allocations for grazing or other uses can be made and allocations properly applied in a Final Decision for any alternative actually tailored to current depletion. The last ESI process was decades ago. We Protest this.

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**Summary:**

BLM fails to analyze and adequately address light pollution/night skies.  
The PRMP/FEIS provides an inadequate baseline and/or inventory with regards to:

- Water depletion and scarcity.
  - Climate change issues and effects.
  - Energy leases and ROWs in relation to critical sage grouse or other habitats.
  - Current extent of vegetation communities.
  - A footprint of mining/minerals development activity of all types, grazing facilities (including fence densities and locations), energy projects,
  - communication tower facilities, and road networks.
  - Complete current inventory of the extent of seeded exotics or invasive weeds.
  - Acres burned in wildfires that have been seeded with exotic species.
  - Current baseline of the loss of mature and old growth sagebrush and salt desert shrub communities.
  - Updated information regarding lands meeting or making progress to rangeland health standards.
  - Lack of firm, integrated baseline data and analysis on a variety of ecological conditions
- 

**Response:**

The PRMP/FEIS is developed to broadly outline land use allocations and management strategies for the planning area as applicable to the BLM decision space. Analyses of potential environmental effects of future project proposals, such as any that could introduce light that impacts the darkness of night skies or those with large ROW footprints, are undertaken as parts of project-level decision-making for each proposed project and are not part of RMP-level analysis. Infrastructure development, including energy generation and transmission, grazing, mining, oil and gas operations, and most other resource-related actions and potential associated environmental impacts, including cumulative effects analyses, are also the subjects of project-implementation-level decision-making, including NEPA analyses and documentation.

There is no national policy in place on night sky preservation. BLM encourages project proponents to minimum lighting plans utilizing: 1) enclosed parking areas vs. overhead lighted parking lights; 2) zoned or portable lighting – i.e., lights only where night work is needed; 3) lights actuated by remote control, timing mechanism or motion sensors; 4) pedestrian path lighting using directional cut-off luminaries vs. overhead lighting; and 5) on-demand

audio/visual warning system lighting on facilities over 200 vertical feet (currently being evaluated by the Federal Aviation Administration (FAA). Impacts from lighting are addressed on a case-by-case basis through a separate NEPA and public involvement process. (Appendix M pg. 7: Non-Government Organization-366)

The BLM uses the best available data, including map products, at scales appropriate to the level of the planning effort. The WD planning area is expansive, and using USGS data (SWReGAP 2004) for analyses of vegetation communities is appropriate at this scale. Due to the variable spatial extents and densities as well as the ever-changing distribution and presence/absence of native and exotic vegetation, including patterns and distributions of seral stages, fire disturbance, and desertification, full and current inventory is not available. Baseline inventory is updated as funds and workloads permit, and completed for resource values per FLPMA: “The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values...” (FLPMA Sec. 201 [43 U.S.C. 1711] (a)).

As stated in the FEIS, “The BLM manages grazing lands under 43 CFR Part 4100 and BLM Handbooks 4100-4180 and it conducts grazing management practices through BLM Manual H-4120-1 (BLM 1984). In addition, the BLM must meet or ensure progress is being made toward meeting the Sierra Front-Northwestern Great Basin RAC Standards and Guidelines for Rangeland Health (Appendix E) for each allotment” (FEIS p 3-118). PRMP/FEIS Appendix E details the Standards and Guidelines for Rangeland Health for the range of resources and provides guidelines for grazing management. PRMP/FEIS section 3.3.1 (p. 3-124) provides a breakdown of allotments by level of success in meeting the standards. PRMP Table 3-29 shows 82% of grazing allotted acres assessed for rangeland health. Section 5.2 above discusses the issue of inconsistency in acres displayed in this table.

The FEIS provides a detailed discussion of water resource distributions and characteristics in Chapter 3 under Affected Environment at 3.2.4 (PRMP/FEIS p. 3-22). The BLM uses the best available data to describe and analyze natural resources pertinent to public land and resource management. With regard to water resources, the Winnemucca District uses the most recent data provided by the State of Nevada and the USGS, supplemented by data from other applicable sources as cited. For much of the planning area data are not available on a wide range of water-related issues. Given the broad extent of the planning area, the BLM cannot provide specifics in every instance, and is not required to do so to plan for large-scale land and resource allocations.

The analysis of climate change and related impacts is presented under the air quality sections of FEIS Chapters 3 and 4 (see Sections 3.2.1 and 4.2.1; PRMP/FEIS p. 3-2 and 4-12, respectively). Climate change is driven by a variety of socio-natural factors that are interdependent and difficult to analyze. There are multitudes of climate change studies and models available, but none that are region specific and applicable directly to overall land use planning. The most commonly implicated driver of climate change is air pollution, primarily greenhouse gas concentrations which are not directly related to large-scale land use planning, but instead analyzed at the project-specific level.

The BLM uses the best available data, including map products, at scales appropriate to the level of planning effort. The planning area is expansive, and using USGS data (SWReGAP 2004) for analyses of vegetation communities is appropriate at this scale. Due to the variable spatial extents and densities as well as the ever-changing distribution and presence/absence of native and exotic vegetation, including patterns and distributions of seral stages, fire disturbance, and desertification, full and current inventory is not available. Baseline inventory is updated as funds and workloads permit, and are completed for resource values per FLPMA: “The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values...” (FLPMA Sec. 201 [43 U.S.C. 1711] (a)). As stated in the FEIS: “The BLM manages grazing lands under 43 CFR Part 4100 and BLM Handbooks 4100-4180 and it conducts grazing management practices through BLM Manual H-4120-1 (BLM 1984). In addition, the BLM must meet or ensure progress is being made toward meeting the Sierra Front-Northwestern Great Basin RAC Standards and Guidelines for Rangeland Health (Appendix E) for each allotment” (PRMP/FEIS p. 3-118).

### **NEPA – Impacts Analysis**

*Total Number of Submissions: 2*

*Total Number of Comments: 2*

**Issue Number:** PP-NV-Winnemucca-13-03-17

**Organization:** DeLong Ranches, Inc..

**Protestor:** John DeLong

**Issue Excerpt Text:**

Action D-SSS 1.2.3. On a case by case basis apply distance buffers when locating high profile structures

(e.g., buildings, storage tanks, overhead power lines, wind turbines, towers and windmills) near active sage-grouse leks. The yellow highlighted language

was not Included as Alternative D in the DRMP. The Director should remand the PRMP to BLM for additional assessment and additional public input to this and other additions, as noted in this protest, to the PRMP which were not contained in the DRMP. DeLong and the Public were not permitted comment to this language change from the DRMP. FEIS Chapter 3 does not identify or quantify these structures in any way relative to sage-grouse habitat. Further, no assessment whatsoever is disclosed in

Chapter 4 relative to windmills, and assessment of "buildings, storage tanks, and overhead power lines" is assessed only at page 4-554, relative only to "locatable minerals".

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**Issue Number:** PP-NV-Winnemucca-13-09-70

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

The RMP fails to address potential mitigation for mining or the whole economic situation surrounding current public lands grazing in the Winnemucca District.

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**Summary:**

- The FEIS does not identify or quantify structures in any way relative to sage-grouse habitat. No assessment, whatsoever, is disclosed relative to windmills, assessment of buildings, storage tanks, and overhead power lines.
- The RMP fails to address potential mitigation for mining or the economic situation surrounding current grazing in the Winnemucca District.

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**Response:**

Analyses associated with infrastructure development, including energy generation and transmission, grazing, mining, oil and gas operations, and most other resource-related actions and potential associated environmental impacts, including direct, indirect and cumulative effects analyses related to a wide range of both organic and inorganic resources, are the subjects of project-implementation-level NEPA analyses and documentation. The PRMP is not designed to address mitigating potential environmental effects of possible future actions related to historic use of public lands in the Winnemucca District. All future project proposals will require new decision-making with appropriate NEPA analyses, including addressing mitigation measures and stipulations required for the specific permitted activity on public lands.

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**NEPA – Public Participation**

*Total Number of Submissions: 1*

*Total Number of Comments: 7*

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**Issue Number:** PP-NV-Winnemucca-13-03-11

**Organization:** DeLong Ranches, Inc..

**Protestor:** John DeLong

**Issue Excerpt Text:**

19 Action D-VRW 1.1.1. Develop, adjust, and implement management strategies to address known

or suspected factors or improve existing conditions. If causal factor for not attaining PFC or declining trend is livestock, implement management objectives or strategies (e.g., stubble height, utilization levels, bank trampling season-of-use, adjustments to terms and conditions of permit and range improvements) to improve conditions.

Priority Consideration: Adjustments to terms and conditions of the permit, stubble height, utilization levels, bank trampling, season-of- use. If the causal factor for not attaining PFC is other than livestock, implement management actions (e.g., road re-routes, closures, or stream bank rehabilitation) to address the



causal factor. B-DeLong-46 in Appendix M, page Business-30,31. Yellow highlighted language was not included in the DRMP/EIS VRW section. DeLong and the public were not permitted comment to this change in language. The Director should remand the PRMP to BLM for additional assessment and additional public input to this and other additions, as noted in this protest, to the PRMP which were not contained in the DRMP. The PRMP changes the emphasis from that discussed in the DRMP, to one of first taking action against the permit. This emphasis to take action against the permit as a priority consideration does not exist in the DRMP. D Long and the Public were not permitted to comment upon this change in language between the DRMP and the PRMP. See also discussion at Protest Point 6 as to SOPs and BMPs. See also Protest Point 20, below.

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**Issue Number:** PP-NV-Winnemucca-13-03-12  
**Organization:** DeLong Ranches, Inc.  
**Protestor:** John DeLong

**Issue Excerpt Text:**

20 OBJECTIVE CA-VRW 1, Alternatives A, B, C, and D. Manage or improve riparian areas. Meadows and riparian areas would be considered key areas in the development of wildlife, livestock, or recreation implementation plans.

B-DeLong-32 in Appendix M, page Business-24. Yellow highlighted language was not Included in the DRMP/EIS VRW section. DeLong and the public were not permitted comment to this change in language. The Director should remand the PRMP to BLM for additional assessment and additional public input to this and other additions, as noted in this protest, to the PRMP which were not contained in the DRMP.

The PRMP changes the emphasis from that discussed in the DRMP, to one of selecting key areas apparently only in riparian areas. This is verified by the fact that no such similar language exists within the PRMP Chapter 2 for upland vegetation. This emphasis, combined with the emphasis discussed in Protest Point #19, are virtually guaranteed to adversely impact DeLong, other Permittees, the County, the Public, and the upland resource, and in turn the riparian areas. The upland resource will become (if it has not already) an ever-increasing fire hazard. When the uplands burn, they will also burn

the riparian areas. The proposed emphasis did not exist in the DRMP, and DeLong and the Public were not permitted to comment upon this difference in emphasis.

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**Issue Number:** PP-NV-Winnemucca-13-03-15  
**Organization:** DeLong Ranches, Inc.  
**Protestor:** John DeLong

**Issue Excerpt Text:**

26 OBJECTIVE D-FW 4. Subject to the MBTA, protect migratory birds and their nests during the breeding season of March 1 to August 31 (as determined by species). B-DeLong 36 in Appendix M at page Business-26. Yellow highlighted dates were changed from April 15-July 15 to March 1-Aug. 31. DeLong and the Public were not afforded comment to these altered dates. The Director should remand the PRMP to BLM for additional assessment and additional public input to this and other additions, as noted in this protest, to the PRMP which were not contained in the DRMP.

BLM made satisfactory change from the DRMP to the PRMP. However, the PRMP adds 45 days to the purported nesting and breeding season, which was not disclosed in the DRMP. DeLong and the Public were not permitted to comment to this change. Further, the PRMP should, when remanded for additional public comment, include the species names and the nesting dates relative to each MTBA species, as well as those breeding and nesting dates for sage-grouse and other SSS species.

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**Issue Number:** PP-NV-Winnemucca-13-03-19  
**Organization:** DeLong Ranches, Inc.  
**Protestor:** John DeLong

**Issue Excerpt Text:**

Action SSS 1.7, Alternatives A, B, C, and D. Maintain, protect, improve, and restore raptor habitat. The yellow highlighted language was not Included as Alternative D in the DRMP. The Director should remand the PRMP to BLM. As noted in this protest, DeLong and the Public were not permitted comment to this language change from the DRMP to the PRMP which were not contained in the DRMP.

Action SSS 1.7, Alternatives A, B, C, and D. Protect cliff nesting sites and other raptor nests. Avoid tree

control within a one-mile radius of documented active ferruginous hawk nests. Mitigate adverse impacts through use restrictions or avoidance or by providing alternative viable nest sites or employing other mitigation measures, following the guidelines of the Bald and Golden Eagle Protection Act and other applicable guidance. The yellow highlighted language was not Included as Alternative D in the DRMP. The Director should remand the PRMP to BLM for additional assessment and additional public input to this and other additions, as noted in this protest to the PRMP which were not contained in the DRMP.

Avoid tree...part of CA-SSS 1.8, to which DeLong did not comment. "following the guidelines..." was part of Action CA-SSS 1.7, specific to bald eagle, golden eagle, prairie falcon, and peregrine falcon. DeLong and the Public were not permitted comment to this language change from the DRMP. Further, the DRMP language applied the action regarding cliff nesting sites specifically to bald eagle, golden eagle, prairie god, and peregrine falcon only, not generically to all raptors. Further, the phrase "other raptor nests" encompasses a wide array of habitats and nest sites, and was not part of the wording in DRMP. Further, this objective and action set may be entirely contrary to management actions and objectives for sensitive species such as greater sage-grouse, and the conflicts inherent in improving habitat for "all species" or for these species versus sage-grouse, must be assessed.

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**Issue Number:** PP-NV-Winnemucca-13-03-2

**Organization:** DeLong Ranches, Inc.

**Protestor:** John DeLong

**Issue Excerpt Text:**

4 Action D-S 1.1. Maintain or improve existing vegetative cover, litter, biological soil crusts, and vegetation as appropriate for soil type for native vegetative communities. Yellow highlighted language was not Included in the DRMP/EIS Action D-S 1.1. DeLong and the public were not permitted comment to this change in language. The Director should remand the PRMP to BLM for additional assessment and additional public input to this and other additions, as noted in this protest, to the PRMP which were not contained in the DRMP. There is fundamental difference between an objective or an action to "maintain" existing conditions (as was stated in the DRMP), versus to "improve" existing conditions, as is stated in the PRMP.

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**Issue Number:** PP-NV-Winnemucca-13-03-23

**Organization:** DeLong Ranches, Inc.

**Protestor:** John DeLong

**Issue Excerpt Text:**

55 Action D-WHB 4.1. On a case by case basis, provide for multiple use by implementing permit stipulations and mitigation measures (e.g., seasonal closures, signage, rerouted courses) to reduce adverse impacts to WHB habitat or populations. The yellow highlighted language was specifically referenced to "motor vehicle racing, outfitter, or guides" in the DRMP, not to all permits. The Director should remand the PRMP to BLM for additional assessment and additional public input to this and other additions, as noted in this protest, to the PRMP which were not contained in the DRMP.

This language was specifically "e.g.'d" to "motor vehicle racing, outfitter, or guide" in the DRMP/EIS. This expanded nebulousness to unspecified "permits" leaves ambiguity as to which permits may be modified to accommodate WHB. To the extent it is intended to include livestock Grazing Permits, DeLong and the public were not afforded the opportunity to comment to this change in language between the DRMP and the PRMP.

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**Issue Number:** PP-NV-Winnemucca-13-03-8

**Organization:** DeLong Ranches, Inc.

**Protestor:** John DeLong

**Issue Excerpt Text:**

14 OBJECTIVE CAVR I.N Maintain, improve, protect, conserve and restore native forbs that are similar in structure and composition to the site potential. DeLong's Comment 19, which BLM Response splits into B-DeLong-25 in Appendix M, page Business-20, and B-DeLong-26 in Appendix M, page Business-20,21. Yellow highlighted language to emphasize native forbs was not disclosed in the DRMP/EIS VR section. The Director should remand the PRMP to BLM for additional assessment and additional public input to this and other additions, as noted in this protest, to the PRMP which were not contained in the DRMP. DeLong and the Public were not permitted comment on any change in this emphasis.

This emphasis presumes, without factual information disclosed in the FEIS Chapter 3, that forbs are lacking. It also presumes without rationale disclosed in the PRMP, that "native" forbs should be emphasized over "desired adapted non-native forbs". Action CA-VR 1.1N, Alternatives A, B, C, and D. Prioritize management of native forbs within sage-grouse habitat areas to achieve management objectives. DeLong's Comment 19, which BLM Response splits into B-DeLong-25 in Appendix M,

page Business-20, and B-DeLong-26 in Appendix M, page Business-20,21. Yellow highlighted language to emphasize native forbs was not disclosed in the DRMP/EIS VR section. The Director should remand the PRMP to BLM for additional assessment and additional public input to this and other additions, as noted in this protest, to the PRMP which were not contained in the DRMP.

### **Summary:**

The PRMP/FEIS makes numerous changes from the DRMP/DEIS that require additional assessment and public input, including:

- Emphasis on the causal factor for not attaining PFC.
- Selecting key areas apparently only in riparian areas.
- The breeding season of March 1 to August 31 (as determined by species); dates were changed from April 15-July 15 to March 1-Aug. 31.
- Language to protect cliff nesting sites and other raptor nests was not included as Alternative D in the DRMP.
- The "Maintain or improve existing vegetative cover, litter, biological soil crusts, and vegetation as appropriate for soil type for native vegetative communities" language was not Included in the DRMP/EIS
- Language with regard to implementing permit stipulations and mitigation measures.
- Maintain, improve, protect, conserve and restore native forbs that are similar in structure and composition to the site potential" language to emphasize native forbs.

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### **Response:**

The PRMP does not change "the emphasis on the causal factor for not attaining PFC...to one of first taking action against the permit".

If resource management factors are not hindering achievement of PFC, there would be no reason to use adaptive management action to mitigate effects of a permitted activity. Thus, it is clear that causal factors are the primary emphasis, with adaptive/corrective action as an appropriate Response. Adaptive management actions would be employed on a case-by-case basis. Changes in phrasing between the draft and proposed documents are made in response to comments from stakeholders, updated information, or to correct minor errors in the draft. Changes were also made based on internal review after public comments were considered.

Objective CA-VRW 1 Alternatives A-D was presented in DRMP/DEIS (Table 2-2 pg. 2-13). However, the objective was revised from "Meadows and riparian areas would be considered critical areas in the development of implementation plans." to "Manage or improve riparian areas. Meadows and riparian areas would be considered key areas in the development of wildlife, livestock, or recreation implementation plans."

The "manage or improve" language fits in the overarching goal of "Achieve and maintain riparian functions. Maintain, restore, and improve ecological conditions of riparian and wetland areas..."

The objective is listed under Vegetation – Riparian and Wetlands section of the proposed alternatives. The Sierra Front – Northwester Great Basin Standards and Guidelines for Rangeland Health identifies riparian and wetland systems in properly functioning condition as a standard. Upland vegetation areas are not used as standards or

indicators of rangeland health.

With respect to potential timing limitations; the BLM must comply with the MBTA. The BLM does not have authority to permit activities that lead to noncompliance with the laws of the United States (see DRMP/DEIS at Section 3.2.9.4), nor does the BLM control the nesting seasons of migratory birds protected under U.S. law. Moreover, as discussed elsewhere in this report, the Winnemucca District planning area is much too expansive to allow for complete and continuous inventory of all resources, including the presence of migratory birds. Different species breed and nest at different times in different micro-environments, thus a range of possible breeding and nesting times is appropriate.

As regards sage grouse, the approved RMP will be amended in the future to incorporate changes to sage-grouse management based on the Great Basin Region – National Greater Sage-Grouse Planning Strategy currently underway. Sage-grouse nesting and breeding seasons will be addressed at that time.

The DRMP/DEIS discussed protecting cliff nesting sites under Action CA-SSS 1.7 (P. 2-14), which listed specific species of raptors. The avoidance of tree control for ferruginous hawks was addressed in Action CA-SSS 1.8. The PRMP/FEIS consolidated these two proposed actions into Action SSS 1.7, alternatives A, B, C, and D (PRMP/FEIS p. 2-90). The analyses of potential effects of a management action under any alternative are applicable for use under a proposed alternative which can be, and usually is, a combination of management actions from all alternatives analyzed (40 CFR 1502).

Action D-S 1.1 (DRMP/DEIS p. 2-31; PRMP/FEIS p. 2-21) was revised to provide enhanced opportunities for resource management associated with the protection of sensitive soils. FLPMA at Sec. 102 (a) 8 provides that “the public lands be managed in a manner that will protect the quality of scientific, scenic historical, ecological, environmental... values”, which in many instances requires measures to improve resource conditions. Analyses of potential effects of a management action under any alternative are applicable for use under a proposed alternative which can be, and usually is, a combination of management actions from all alternatives analyzed (40 CFR 1502). Regarding the addition of the term "or improve": "improving" was addressed under Alternative C. This was changed based on public comment:

I-Boeger-1: How can the objective to "improve soil processes..." be met by this action to "maintain existing vegetative cover..." BLM's Response: I-Boeger-1: Action D-S1.1 has been modified to reflect comment. (PRMP/FEIS Appendix M, Pt. 11, Individuals-25).

Action D-WHB 4.1 (DRMP/DEIS 2-97; PRMP/FEIS 2-97) was slightly rephrased between the DRMP and the PRMP. Nonetheless, the intent is the same and does not affect the proposed management guidance. The deletion of “e.g., motor vehicle racing, outfitter, or guides” from the draft does not alter the potential need to reduce “adverse impacts on the health and welfare of WHB” (DRMP/DEIS at Action D-WHB 4.1) through stipulation on permitted activities, nor the BLM's authority to do so per regulation.

Language regarding proposed goals objectives and actions presented is substantially the same, and does not overly emphasize native over introduced vegetation as beneficial to land health.

New Objective CA VR1.n (PRMP/FEIS p. 2-45) replaced Objectives A-D VR.1 (DRMP/DEIS 2-47). Language was derived from RMP management goals in DRMP/DEIS Table 2-1 (DRMP/DEIS p. 2-4) and action alternatives under the original objective (DRMP/DEIS p. 2-47). New action was added with a new objective which does prioritize management of native forbs within sage grouse habitat.

## NEPA – Range of Alternatives

Total Number of Submissions: 1

Total Number of Comments: 2

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**Issue Number:** PP-NV-Winnemucca-13-09-36

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

### **Issue Excerpt Text:**

Alternatives for a reasonable EIS that can grapple with these large-scale ecological concerns and prevent further ecological collapse were submitted to BLM but were ignored. This includes:

- Protection of remaining sagebrush, salt desert shrub

relatively intact. This would retain some semblance of native ecological conditions. This must include checkerboard area lands, too. BLM must strive to maintain and acquire lands to protect remaining better condition vegetation communities and habitats. The FEIS has failed to provide any concrete information on current areas of higher ecological

integrity, instead providing mapping and analysis based on what the vegetation potential may be -not what currently is present.

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### **Summary:**

Alternatives for an EIS that can address large-scale ecological concerns and prevent further ecological collapse that were submitted to BLM but ignored include:

- Protection of remaining relatively intact sagebrush, salt desert shrub and other native vegetation communities to retain native ecological conditions.
  - Actions to lessen the disturbance footprint of human disturbances on relatively intact lands
  - Provide a strategic plan and template for conducting ecological restoration on degraded lands within or near blocks of remaining better condition lands.
- 

### **Response:**

The BLM uses the best available data, including map products, at scales appropriate to the level of planning effort. FLPMA Sec. 202(c) (4) gives BLM the discretion to rely to the extent it is available, on inventory of the public lands, their resources and other values. Alternatives were developed using existing available data. The planning

- Actions to lessen the disturbance footprint of grazing and livestock facilities, roads and other human disturbances on relatively intact lands. This includes both active and passive restoration measures. See Proposed Alternative actions WWP submitted long ago with Scoping.
  - Providing a strategic plan and template for conducting ecological restoration on degraded lands within or near blocks of remaining better condition lands. In RMP scoping comments, we provided information on alternatives for restoring native ecosystems. The local RAC hashed out a "consensus" plan that perpetuates higher levels of grazing disturbance than have even been occurring, large-scale land disposal, trade, destruction of Wilderness Characteristics in LWC, and many other harmful actions in an increasingly depleted arid landscape.
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**Issue Number:** PP-NV-Winnemucca-13-09-46

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

### **Issue Excerpt Text:**

The livestock grazing goals, objectives and actions are loose, uncertain, and violate FLPMA. There is no suitable range of alternatives provided. See FEIS 2-135 to 2-161. FEIS Proposed Action D, Table 2-1 all pages.

area is expansive, and using USGS data (SWReGAP 2004) for analyses of vegetation communities is appropriate at this scale. Due to the variable spatial extents and densities as well as the ever-changing distribution and presence/absence of native and exotic vegetation, including patterns and distributions of seral stages, fire disturbance, and desertification, full and current inventory is not available. Baseline inventory is updated as funds and workloads permit, and are completed for resource values per the FLMPA: “The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values...” (FLPMA Sec. 201 [43 U.S.C. 1711] (a)). Site potential is used as a management guide. See, for example, Objective VR 5 in the DRMP/DEIS and PRMP/FEIS that uses site potential for re-establishing plant species and communities. Objective VR 8 (DRMP/DEIS p. 2-60 and PRMP/FEIS p. 2-53) was revised from the DRMP/DEIS to the PRMP/FEIS to include site potential in the managing of salt desert shrub habitats.

Both the DRMP/DEIS and the PRMP/FEIS list goals and objectives for managing shrub communities (see PRMP/FEIS p. 2-51 through 2-54). The DRMP/DEIS analyzed a range of alternatives addressing improvement, maintenance and protection of sagebrush and salt desert shrub communities. PRMP Objectives D-VR 6 and 7 and their associated actions specifically address active management of sagebrush while Objective D-VR 8 and associated actions address salt desert shrub habitats (PRMP/FEIS p. 2-51 through 2-53). Actions under Alternative C proposed to expand current areas of salt desert shrub. Management actions to protect soils also address these shrub communities. Action D-S 1.1, for example, states, “Maintain or improve existing vegetative cover, litter, biological soil crusts, and vegetation as appropriate for soil type for native vegetative communities” (PRMP/FEIS p. 2-21).

Under Alternative D, the PRMP “emphasizes an intermediate level of protection, restoration, enhancement, and use of resources and services to meet ongoing programs and land uses. The management strategy would be accomplished by using an array of proactive and prescriptive measures that would protect vegetation and habitat and would promote the continuation of multiple resource management. Vegetation and special status species habitat would be restored and enhanced to provide for the continued presence of an ecologically healthy ecosystem using a suite of proactive and specific prescriptive management tools and implementation measures. Commodity and development-based resources such as livestock grazing and minerals production would be maintained on public lands through specific actions to meet resource goals and protect ecosystem health. Management strategies would continue to provide for recreational opportunities and access to and on public lands and would take into consideration the result of management actions on the economies of communities within the region” (PRMP/FEIS at 2.4.5, page 2-9).

Action A-VR 3.1.1, for example, states “[o]n a case-by-case basis, authorize short term livestock prescribed grazing within closed areas to achieve Standards for Rangeland Health and objectives relative to Rehabilitation, Reclamation, and Restoration” (PRMP/FEIS Table 2-1, pg. 2-48) in compliance with FLPMA Sec 402 (e).

### NEPA – Response to Comments

*Total Number of Submissions: 3*

*Total Number of Comments: 12*

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**Issue Number:** PP-NV-Winnemucca-13-03-25

**Organization:** DeLong Ranches, Inc.

**Protestor:** John DeLong

#### Issue Excerpt Text:

Action D-WHB 5.3 Use fertility to slow population growth rates BLM Response is not responsive to DeLong's comment, which was to include other methods such as proud-cut castration. BLM Response states that the action Includes other fertility control methods, if approved! However the plain language as

listed in WHB 5.3 only approves other agents, not other methods.

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**Issue Number:** PP-NV-Winnemucca-13-03-27

**Organization:** DeLong Ranches, Inc.

**Protestor:** John DeLong

#### Issue Excerpt Text:

65 Action D-LG 1.6.1. Authorize new range improvements based on individual permittees' past maintenance M at page Business- 34. Though BLM purports to respond to DeLong's comment, the purported changed language does not address DeLong's comment relative to damage caused to range improvements by other animals, such as WHB and wildlife, and whose

damage may necessitate the construction of other, new range improvements, to alleviate such damage.

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**Issue Number:** PP-NV-Winnemucca-13-03-29

**Organization:** DeLong Ranches, Inc.

**Protestor:** John DeLong

**Issue Excerpt Text:**

79 Action D-LG 5.5. On new water developments from surface water sources, where possible avoid overflow of water into ponds or non-channelized areas. When possible, install spring developments using the following:

1. Placement and development downstream of the source and adjacent to the spring brook so that flows are maintained;
2. Placement and development downstream of the source within the spring brook at a location that maximizes the spring flow duration and minimize thermal load; and
3. Other techniques. 2-160 B-DeLong-62 in Appendix Mat page Business- 39.

While the BLM Response attempts to address DeLong's Comment, the Response does not rationally do so. The fact is that once water is piped downhill from a spring source to a trough location, it cannot "run uphill" back to the spring source.

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**Issue Number:** PP-NV-Winnemucca-13-03-31

**Organization:** DeLong Ranches, Inc.

**Protestor:** John DeLong

**Issue Excerpt Text:**

Action D-FW 1.2. Manage existing and potential big game habitats to allow the introduction, reintroduction, augmentation, or transplant of native and nonnative big game species, including bighorn sheep, pronghorn, and mule deer in cooperation with NDOW. 2-63 DeLong's Comment 26, which BLM Response splits into B-DeLong-33 in Appendix M, page Business-25, and B-DeLong-34 in Appendix M, page Business-26.

BLM's Response attempts to respond to DeLong's comment, by citing to NAC 504 466, and by citing the purported BWC definition of "endemic species". However, neither of these citations adequately responds to DeLong's comment. Nevada Administrative Code (NAC)

504.466 places restrictions on licensees who possess wildlife, not upon NDOW, and not upon any "pioneering" elk. Further, the Response's definition of "endemic", if accurate, would mean that any species of wildlife in the entire United States (e.g. key deer from Florida, bison from Montana, musk ox, moose, and caribou from Alaska) would be identified as endemic and given assurance of water availability should they be introduced or "pioneer" into the planning area. This, if accurately represented by the Response, nevertheless does not rationally respond to DeLong's comment. Instead, the Response only supports DeLong's comment relative to the lack of specificity of the DRMP, and now the PRMP. BLM's Response does not in any way respond to DeLong's comment relative to forage availability and allocation to livestock.

Finally, BLM's Response does not satisfy NRS 533.367, relative to wildlife which customarily use the water.

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**Issue Number:** PP-NV-Winnemucca-13-03-4

**Organization:** DeLong Ranches, Inc.

**Protestor:** John DeLong

**Issue Excerpt Text:**

5 Action S 1.2, Alternatives C and D. 2-21 DeLong's Comment 8, which BLM Response splits into B-DeLong-9 in Appendix M, page Business-15, and B-DeLong-10 in Appendix M, page Business-15. incorporate Land Health Standards (e.g., Sierra Front NW RAC Standards and Guidelines) and site-specific allotment objectives for livestock and wild horse and burro grazing to ensure soil processes are considered when approving land use authorizations to minimize impacts.

Neither of BLM's Responses is responsive to DeLong's Comment 8. DeLong's comment is that the provision provides for at least two sets of standards/objectives, i.e. site specific allotment objectives and RAC standards and guidelines.

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**Issue Number:** PP-NV-Winnemucca-13-08-54

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

C) "AWHPC supports creating more natural boundaries for HMAs to expand space for WHB and to accommodate more natural migratory and movement patterns. Expanding into HAs in order to increase space and usability of habitat within HMAs should be undertaken." BLM Response: "Addressed in WHB 1.3 and 2.1" AWHPC Response: Under Action WHB 1.3, BLM states, "Adjust HMA boundaries to eliminate checkerboard areas and revert checkerboard portions to HA status and remove all existing WHB from outside the HA and HMA." This is a completely inadequate Response, and it is exactly contrary to AWHPC's statement that BLM should expand, not reduce HMAs. AWHPC vigorously opposes the removal of WH&B outside of HMAs from the range (see NGO-AWHPC Comment 2 [I] below.)

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**Issue Number:** PP-NV-Winnemucca-13-08-55  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

[D] "Boundaries should not be dictated by the presence of livestock allotment fencing, but rather natural barriers and natural movement patterns of WHB." BLM Response: "Comment noted." AWHPC Response: If the comment was noted, it certainly was not acted on, as Action D-WHB 1.2 details major changes to HMA boundaries based on existing fences, resulting in a net loss of 183,233 acres from the Black Rock East, Black Rock West and Warm Springs Canyon, Fox and Lake Range, Jackson Mountain, Kamma Mountains, Lava Beds, McGee Mountain, Nightingale Mountains, and Seven Troughs HMAs. AWHPC and its constituency expect that when it submits a comment, BLM will address it, or at least explain why it has chosen to ignore it.

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**Issue Number:** PP-NV-Winnemucca-13-08-56  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

[E] "HMAs should be maintained separately. BLM lacks basic data on WHB behavior, ecology and population dynamics as well as individual herd data

to determine whether consolidation of HMAs makes biological sense. If BLM were to attain such data, consolidation should only occur based on biological imperatives; administrative convenience is not sufficient reason to consolidate management of HMAs." BLM Response: "A reasonable range of alternatives was analyzed, see WHB 1.2." AWHPC Response: This Response is wholly inadequate, as it does not directly address AWHPC's comment that "HMAs should be maintained separately"

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**Issue Number:** PP-NV-Winnemucca-13-08-59  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

• [H] "Horses outside HMAs should not be permanently removed from the range. Rather they should be lured or relocated within HMAs, or be managed on-the-range utilizing strategies such as fertility control." BLM Response: "Before issuing a decision to gather and remove animals, the authorized officer shall first determine whether excess WH&B are present and require immediate removal. In making this determination, the authorized officer shall analyze grazing utilization and distribution, trend in range ecological condition, actual use, climate (weather) data, current population inventory, wild horses and burros located outside the HMA in areas not designated for their long-term maintenance and other factors such as the results of land health assessments which demonstrate removal is needed to restore or maintain the range in a TNEB."

AWHPC Response: BLM's Response does not specifically address AWHPC's concern that WH&B which are outside of existing HMAs should not be removed from the range, but rather that they should be lured or relocated within HMAs or managed with on-the range strategies.

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**Issue Number:** PP-NV-Winnemucca-13-08-62  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**



NGO-AWHPC Comment 4 (continued): "Roundups should only be conducted in verifiable emergency situations. If necessary, roundups must be conducted with respect for the social integrity of wild horse herds; family bands should be relocated intact. "AWHPC supports PZP fertility control as long as administration follows established protocol guidelines that ensure proper use." "AWHPC opposes:

- surgical and/or chemical sterilization of horses,
- use of unproven fertility control drugs
- skewing of sex ratios to favor males as a method for reducing reproduction due to harmful impacts on wild horse behavior." BLM Response: None. AWHPC Response: These are extremely important policy issues, each of which deserves a Response. Roundups are extremely stressful and dangerous to WH&B, and they frequently suffer injuries and fatalities as a result of BLM roundups. Since WH&B are social animals whose survival in the wild depends on family bands and herd units, the breaking up of family bands and herds as a result of roundups has extremely deleterious effects on these animals. Fertility control methods other than the proven safe and effective PZP fertility control vaccine must be avoided due to high associated risks. Surgical and/ or chemical sterilization of wild equines is extremely dangerous from a veterinary standpoint and must be avoided. Drugs strong enough to permanently sterilize an animal likely would have very considerable and as yet unstudied long term veterinary risks associated with them. Although domestic stallions are commonly gelded, the gelding of sexually mature wild stallions, often in basic and unsanitary field conditions is a different matter entirely, and can result in excessive bleeding accompanied by a high risk of infection and possibly death. The spaying of mares is almost never carried

**Summary:**

The BLM Responses to many comments are inadequate. Examples are cited covering WHB, water developments, land health standards, and scientific references, which were ignored almost entirely.

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**Response:**

CEQ regulations do not oblige the BLM to address each DRMP/DEIS comment in great detail, particularly where comments are expressed as opinions that do not provide suggested changes to the text of the EIS.

out even on domestic animals because of the high risks and costs associated with the operation. Those risks would be multiplied many times over were the operation to be attempted on wild mares in field clinic conditions, and would include complications including serious risk of infection and possibly death. Reproductive behavior is an integral part of wild horse and burro behavior within herds, and therefore changing it permanently through surgical or chemical means would have very considerable and deleterious effects on herd dynamics.

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**Issue Number:** PP-NV-Winnemucca-13-08-64

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

AWHPC is puzzled by the Response referring to Action D-WHB 1.10 above, since the actions regarding WH&B in this PRMP only number up to Action D-WHB 5.7.

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**Issue Number:** PP-NV-Winnemucca-13-09-155

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

WWP review of the NGO comments on the CD BLM provided with the RMP shows that WWP submitted large numbers of scientific references with our comments. These references are ignored almost in entirety in the FEIS references.

As noted in 50 CFR 1503.4: “(a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its Response in the final statement. Possible Responses are to:

1. Modify alternatives including the proposed action.
2. Develop and evaluate alternatives not previously given serious consideration by the agency.
3. Supplement, improve, or modify its analyses.
4. Make factual corrections.
5. Explain why the comments do not warrant further agency Response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further Response.”

The following discussion provides rationale for specific issues that were alleged to have not been addressed adequately in the Response to comments.

The WHB populations are under the Wild Free-roaming Horses and Burros Act of 1971 (PL 92-195) which authorizes the Secretary of the Interior to “manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands” but that “management activities shall be at the minimal feasible level...and...protect the natural ecological balance” (PL 92-195 §1333). Furthermore, “[n]othing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist” (PL 92-195 §1339). The Winnemucca District manages Herd Management Areas (HMA) within Herd Areas (HA) under PL 92-195 to maintain natural ecological balance to the extent possible as constrained by natural conditions and available management options using Congressionally-appropriated funding.

The BLM uses a wide variety of methods available by law, regulation, and policy to address WHB populations and maintenance of Appropriate Management Levels (AML) within the HMA. The PRMP, Table 2-1, Objective WHB 5.1 (PRMP/FEIS p. 2-97) presents a number of actions proposed to actively manage WHB within the Winnemucca District. A recently published National Academy of Sciences Report on WHB found that “Castration, ovariectomy, and the GnRH products (vaccines and agonists) eliminate or substantially reduce steroid hormone production and so have a potentially profound effect on the expression of sexual behavior” (NAS, page 149). There is currently no scientific evidence to indicate that surgical methods are safe and effective means of maintaining WHB population levels while not affecting herd social dynamics, nor is there appropriated funding to allow the BLM to pursue such means. Removal of WHB from public lands is BLM’s last resort in herd management.

Before issuing a decision to gather and remove animals, the authorized officer (AO) shall first determine whether excess WHBs are present and require immediate removal. In making this determination, the AO shall analyze grazing utilization and distribution, trend in range ecological condition, actual use, climate (weather) data, current population inventory, WHBs located outside the HMA in areas not designated for their long-term maintenance and other factors such as the results of land health assessments which demonstrate removal is needed to restore or maintain the range in a thriving natural ecological balance (TNEB). (BLM's Response to NGO-AWHPC-2-Appendix M\_Pt2: Non-Government Organizations-6).

In regard to range management actions: “If the causal factor for not attaining PFC is other than livestock, implement management actions (e.g., road re-routes, closures, or stream bank rehabilitation) to address the causal factor” (PRMP/FEIS, Table 2-1, page 2-57). Furthermore, with the goal of maintaining rangelands and multiple use, at Action D-LG 1.2 the PRMP proposes to “Use adaptive management principles and practices, including season and duration of use, use restrictions, herding, installation of structural improvements, and adjustment in livestock numbers to achieve resource objectives and standards for rangeland health” (PRMP/FEIS Table 2-1, page 2-135, emphasis added).

Discussion of Objective LG 5 to “[e]nsure range improvements are compatible with resources and multiple uses and land health” (PRMP/FEIS) Table 2-1, page 2-156) includes a variety of proposed actions under the preferred/proposed alternative that, taken together, rationally address the management goal. Resource management

plans are designed to provide broad guidance for long-term sustainable use of public lands and, as such, integrate a wide variety of management actions to manage multiple resources concurrently. Therefore, reference to a single proposed action, not taken in context with a number of related proposed actions, is inappropriate.

The BLM manages the public lands to “protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values...” (FLPMA Sec. 102 (8)), but does not manage wildlife. States within which the BLM manages public lands are responsible for managing wildlife; the BLM is only responsible for managing natural resources that support wildlife in accordance with applicable laws, regulations, and policies, and, in conformance with state and local laws to the extent practicable.

The BLM follows requirements of FLPMA pertaining to disposal of public lands. Specific disposal actions would be analyzed through site specific NEPA processes, which include environmental analyses and public review. Each lands and realty action is an implementation-level activity that is analyzed within the appropriate social and environmental context. These analyses are not RMP-level analyses, so are not part of the current planning effort. “Incorporate Land Health Standards (e.g., Sierra Front/NW RAC Standards and Guidelines) and site-specific allotment objectives for livestock and wild horse and burro grazing to ensure soil processes are considered when approving land use authorizations to minimize impacts” (Action S 1.2, PRMP/FEIS page 2-21) provides for plan-level guidance and indicates that permit-related analyses will be conducted as implementation-level NEPA compliance. This is standard operating procedure for BLM issuance/renewal of grazing permits.

In regard to range management actions, the FEIS states: “If the causal factor for not attaining PFC is other than livestock, implement management actions (e.g., road re-routes, closures, or stream bank rehabilitation) to address the causal factor” (PRMP/FEIS, Table 2-1, page 2-56-57). Furthermore, with the goal of maintaining rangelands and multiple use, at Action D-LG 1.2 the PRMP proposes to “Use adaptive management principles and practices, including season and duration of use, use restrictions, herding, installation of structural improvements, and adjustment in livestock numbers to achieve resource objectives and standards for rangeland health” (PRMP/FEIS Table 2-1, page 2-135-136). The discussion of Objective LG 5 to “[e]nsure range improvements are compatible with resources and multiple uses and land health” (PRMP/FEIS Table 2-1, page 2-156) includes a variety of proposed actions under the preferred/proposed alternative that, taken together, do rationally address the management goal. Resource management plans are designed to provide broad guidance for long-term sustainable use of public lands and, as such, integrate a wide variety of management actions to manage multiple resources concurrently. Therefore, reference to a single proposed action, not taken in context with a number of related proposed actions, is inappropriate.

The BLM manages the public lands to “protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values...” (FLPMA Sec. 102 (8)), but does not manage wildlife. States within which the BLM manages public lands are responsible for managing wildlife; the BLM is only responsible for managing natural resources that support wildlife in accordance with applicable laws, regulations, and policies, and, in conformance with state and local laws to the extent practicable.

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### NEPA – Best Available Science

*Total Number of Submissions: 1*

*Total Number of Comments: 2*

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**Issue Number:** PP-NV-Winnemucca-13-09-40

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

### Issue Excerpt Text:

We had commented that Winnemucca BLM must employ the set of information from the suppressed Great Basin Ecoregional Analysis and the Nevada Ecoregional Analysis conducted by Wisdom, Suring, Rowland and others circa 2006, and update it employing assessment of adverse livestock and facility impacts to the work in these analyses. These analyses painted such a bleak picture that BLM/USDI would not publish the reports. Instead the authors of the chapters had to publish the information independently. But despite BLM long having this information available, and our comments on the DEIS again bringing this to BLM's attention, the

FEIS omits such crucial information, and fails to update it with the information in the June 2013 REA which is similar (but more dire since 7 or so years have passed) than the Wisdom/Suring/Rowland era GBEA.

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**Issue Number:** PP-NV-Winnemucca-13-09-44

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

The FEIS does not even mention NDOW's 2011-2012 habitat mapping including essential irreplaceable habitats and other very important habitat categories, or the sage-grouse EIS effort that is underway.

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### Summary:

- The FEIS omits crucial Great Basin Ecoregional Analysis and Nevada Ecoregional Analysis conducted by Wisdom, Suring, Rowland and others and fails to update it.
  - The FEIS omits NDOW's 2011-2012 habitat mapping that includes invaluable information
- 

### Response:

.As previously discussed, the BLM is also analyzing measures for greater sage grouse in the Winnemucca district in the Nevada and Northeastern California Sub-regional Greater Sage-Grouse Resource Management Plan Amendment and Environmental Impact Statement. The Great Basin Ecoregional Analysis and Nevada Ecoregional Analysis conducted by Wisdom, Suring, Roland and others and the NDOW 2011-2012 habitat mapping were considered in the Draft EIS for the Nevada/Northeastern California GRSG Amendment. Consistent with IM 2012-044, through the Nevada/NE California GRSG Amendment, the BLM is analyzing a comprehensive management decisions for Greater-Sage Grouse in the Winnemucca district and expects to issue management decisions for Greater-Sage-Grouse for the district.. .

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### NEPA – Cumulative Effects

*Total Number of Submissions: 1*

*Total Number of Comments: 2*

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is not analyzed in any valid way in the EIS. How many water developments are currently located in HMAs?

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**Issue Number:** PP-NV-Winnemucca-13-09-145

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

### Issue Excerpt Text:

Water developments have significant adverse impacts to wild lands, and since horses can move much greater distances from water than livestock, are often unneeded. In fact, water developments often heighten conflicts by extending livestock degradation and competition with horses. They create areas of heavy to severe impacts, and expand weeds and wildlife habitat degradation. There is already a tremendous ecological footprint from livestock water developments across Winnemucca lands which

**Issue Number:** PP-NV-Winnemucca-13-09-74

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

### Issue Excerpt Text:

There is no analysis of the adverse indirect and cumulative impacts of overlapping sheep and cattle use in the same allotments (see Table 3-28), or of the adverse indirect and cumulative impacts of private lands grazing actions, livestock facilities, or grazing impacts and degradation of adjacent Vale BLM or other Nevada BLM District lands that impact watersheds, sage-grouse seasonal habitats and populations, pygmy rabbit habitats, big game seasonal habitats and populations, etc.

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**Summary:**

- The FEIS does not analyze the tremendous ecological footprint from livestock water developments across Winnemucca lands in any valid way.
- There is no analysis of indirect and cumulative impacts of overlapping sheep and cattle use in the same allotments, or of private lands grazing actions, livestock facilities, or grazing impacts and degradation of adjacent BLM lands that impact watersheds, sage-grouse seasonal habitats and populations, pygmy rabbit habitats, big game seasonal habitats and populations, etc.

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**Response:**

See PRMP/FEIS Chapter 4 discussion of environmental consequences to each resource due to livestock grazing, and see section 4.2.10 in particular for analyses of potential effects of livestock grazing on special status species.

Impacts to sage grouse were addressed under the umbrella of special status species. Impacts to special status species from livestock grazing management were addressed on pages 4-310 through 4-313 of the PRMP/FEIS.

Sheep and cattle use are considered "livestock" and are therefore analyzed jointly. Private lands grazing actions are outside the scope of the RMP. Livestock facilities are addressed under appropriate resource sections in Chapter 4. Comments raised during commenting period on similar issues:

Response to Comment L&SA-N2GB-33 regarding using sheep as a treatment for pass-through grazing prescription in a cattle allotment: Changing the class of livestock would require a grazing permit modification and an environmental analysis to comply with the requirements of NEPA prior to approving a permit modification. Changing the class of livestock is addressed in LG4. (PRMP/FEIS Appendix M, Pt1, p. Local & State Agencies-20).

Response to Comment: NGO-Pershing County NRAC-1: Specific allotment AUM allocation decisions are addressed at the site specific or allotment level. See D-LG 1.3. (PRMP/FEIS Appendix M, Pt6, p. Non-Government Organization-234).

Response to a comment that expressed concern over keeping WH&B and sheep/cattle grazing areas separate: I-VanSlyke-2: The Taylor Grazing Act authorized the use of rangelands to livestock grazing, the Wild Horse & Burro Act established HMAs and provided protection for WH&B. The FLPMA mandates that the BLM administered land be managed for multiple uses. Livestock grazing and WH&B are both uses authorized to occur on BLM administered land. The RMP analyzes several proposed levels of livestock grazing, up to and including elimination of livestock grazing. (PRMP/FEIS Appendix M, Pt13, p. Individuals-198).

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**Lands with Wilderness Characteristics**

*Total Number of Submissions: 1*

*Total Number of Comments: 1*

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**Issue Number:** PP-NV-Winnemucca-13-09-42

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

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**Issue Excerpt Text:**

Figure 2-66 Lands and Realty disposal, Figures 2-73 and 2-74, where BLM fails to even reflect the roadless Lands with Wilderness Characteristics inventory conducted in association with the Ruby pipeline.

## Summary:

The BLM does not accurately illustrate lands with wilderness characteristics that were identified in the Ruby pipeline figures.

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## Response:

The PRMP/FEIS states that the desktop analysis, using GIS data in lieu of district-wide inventory, of the EIS for the Ruby Pipeline Project determined that four parcels along the pipeline route likely possessed wilderness characteristics. However, further analysis of the parcels found that 3 of the 4 parcels had no wilderness characteristics. The fourth parcel, Warm Springs, had reduced acreage that was analyzed in the document (Winnemucca PRMP/FEIS, pg. 3-158). Also note that Warm Springs was added to the PRMP/FEIS after the DRMP/DEIS. The Warm Springs area identified in Figure 2-74 - Lands with Wilderness Characteristics is also identified in Figure 2-66 as being an area classified for retention (Lands for Retention/Disposal under Alternative D).

PRMP/FEIS Figure 2-73 displaying Wilderness Study Areas is the same for all alternatives and is not dependent on what is classified as having wilderness characteristics.

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## Fire and Fuels

*Total Number of Submissions: 1*

*Total Number of Comments: 4*

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**Issue Number:** PP-NV-Winnemucca-13-09-123

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

### Issue Excerpt Text:

FRCC is not a valid basis for managing shrub communities in the Great Basin. Info on fire disturbance intervals is ever-evolving. Reducing shrubs to FRCC 2 commonly aims to promote livestock forage grasses. It is the FRCC 3 communities that are most at risk, and where great losses have occurred. Reducing disturbance (livestock, mining, etc.), rather than imposing more through sagebrush or other shrub mowing, hacking, herbiciding or other disturbance should be emphasized.

All the sagebrush fire intervals by Miller and the limited and deficient "range" papers that BLM relied on at the time of the AMS, are now known to be much too short. The flawed underpinnings of the outdated AMS poison the FEIS analysis and alternatives.

The information that the FRCC and fuels section of the FEIS is based on is false and long disproven. This further illustrates that BLM is indeed living in some bygone era. As we describe under wildlife and other

sections of this Protest, the EIS fails to include the entire current body of science related to sagebrush and arid lands ecology, sagebrush and salt desert vegetation communities and sagebrush wildlife habitat. Knick et al. 2003, Connelly et al. 2004, Knick and Connelly 2009/2011, the suppressed Great Basin and Nevada Ecological Assessments from the mid-2000s (Suring, Wisdom, Rowland and others, and the more recent REA.

Table 3-22 "Natural Fire regimes" has five Roman numeral categories for fire frequency. Category III is 35-100 years. Map Figure 3-22 shows that BLM's EIS is based on nearly all the sagebrush landscape having a fire regime of 35-100 years. This is completely false, as shown by Knick et al. 2003, Connelly et al. 2004, Knick and Connelly 2009/20 11, the suppressed Great Basin and Nevada Ecological Assessments from the mid-2000s (Suring, Wisdom, Rowland and others), USFWS WBP Finding for GSG, Baker and Bukowski 2013, the more recent REA, etc. Wyoming big sagebrush, mountain big sagebrush, black sagebrush all have much longer fire return intervals. BLM cannot allow an RMP in 2013 to be finalized based on such flawed, erroneous and wildly outdated scientific understanding of arid lands ecosystems. Fire regime is also linked to recovery intervals, and so this means that communities require a much longer period to recover from disturbance as well. Use of much too short fire intervals results in BLM failing to address the severe vegetation and habitat crisis the Winnemucca District is facing.

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**Issue Number:** PP-NV-Winnemucca-13-09-125  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

There is little evidence that fuel breaks actually protect sagebrush or other communities in rangelands". And in fact, the kind of fuel breaks that BLM seeks to impose are likely to only exacerbate fire problems through promoting cheatgrass, causing hotter drier sites, and in imposing artificial dense seedings of large-statured unpalatable plants. BLM has failed to evaluate the effectiveness and impacts of the fuel break system that exists.

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**Issue Number:** PP-NV-Winnemucca-13-09-48  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

The EIS lacks the basic information necessary to determine what historical disturbance intervals,

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**Summary:**

The BLM does not clearly analyze the effects of fuels management in the Winnemucca PRMP/FEIS. Fire discussions are based on outdated or insufficient data.

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**Response:**

The BLM discusses fuels management in section 3.2.12 of Chapter 3 of the PRMP/FEIS (starting on p. 3-84). Specifically, the Winnemucca District's fire management is guided by the 1995 Federal Wildland Fire Management Policy, which established guiding principles for managing wildland fires on public lands. This fire management discussion includes a summary of wildland fires from 1990 to 2011 based on 2012 reports from Wildland Fire Management Information and the Central Nevada Interagency Dispatch Center (Winnemucca PRMP/FEIS, pg. 3-86). Additional fuels management projects and emergency stabilization and rehabilitation (ES&R) projects in the Winnemucca District are illustrated in Table 3-21 (p. 3-88) and Table 3-24 (p. 3-24), respectively. Section 3.2.12 provides an adequate baseline for fuels management in the Winnemucca District.

Also, the PRMP/FEIS does disclose, in detail, the effects from fuels management in section 4.2.12 of Chapter 3 (starting on page 4-382). In short, the proposed alternative seeks additional priority protection areas for fire suppression, but acknowledges prioritization conflicts will arise. It also notes that ES&R actions would improve FRCC in the long run. The actions in the Proposed Plan support the return of natural fire regimes, along with reducing the risks from wildland fire to the public and other resources (PRMP/FEIS, pg. 4-382).

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natural range of variability, fire return intervals, and other information that the FRCC uses. It also lacks the necessary information to understand the current degree and severity of cheatgrass infestation -which places lands in FRCC 3.

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**Issue Number:** PP-NV-Winnemucca-13-09-49  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

The RMP fails to provide the fuel return and disturbance intervals used to develop the RMP FRCC models, and the scientific citations and information on which these intervals are based. No valid Baseline has been provided of how much annual grassland, presence of cheatgrass, halogeton, crested wheatgrass, etc. exists across the District, or that identifies sites/land areas vulnerable to these weeds if the sites are disturbed in expensive Fuels or other projects outdated or insufficient data.

**Wild Horse and Burro – Nevada Water Laws**

*Total Number of Submissions: 2*

*Total Number of Comments: 2*

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**Issue Number:** PP-NV-Winnemucca-13-03-21

**Organization:** DeLong Ranches, Inc.

**Protestor:** John DeLong

**Issue Excerpt Text:**

D-WHB 3.1 and 3.2 violates Nevada State Water Law, as implying that Nevada State Water Law authorizes the acquisition of water rights for wild horses and burros; and assuming such authorization exists, as implying that Nevada State Law authorizes the acquisition of water rights for watering wild

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**Summary:**

The BLM violates Nevada State water law by implying Nevada State water law allows for the acquisition of water rights for WH&B.

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**Response:**

As noted in the Response to comment I-Jefferson-3, PRMP/FEIS Appendix M – Individuals-97: "The BLM adheres to United States Code: Title 43 USC 666, also known as the McCarran Amendment, which requires that federal entities waive sovereign immunity and comply with state water law. If water law conflicts with management objectives and actions, the BLM will defer to state law and seek to use the most effective alternative." Actions D-WHB 3.1 and 3.2 were changed from the DRPM/DEIS (p. 2-98) to the PRMP/FEIS (p. 2-96-97) to include the line "In accordance with State of Nevada water law..."

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**Wild Horse and Burro – Herd Management Areas (HMAs)**

*Total Number of Submissions: 1*

*Total Number of Comments: 16*

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**Issue Number:** PP-NV-Winnemucca-13-08-10

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

The approximately 5,998 acres which would be returned to HA status within this HMA under

horses and burros in excess of AML. Wild horses and burros are not considered in the Nevada statutes relating to water use or distribution; definitions and reference to beneficial uses relate to livestock and wildlife, not wild horses and burros.

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**Issue Number:** PP-NV-Winnemucca-13-07-32

**Organization:** Nevada State Grazing Board N2 District

**Protestor:** Don Jones

**Issue Excerpt Text:**

D-WHB 3.1 and 3.2 violates Nevada State water law, by implying that Nevada State water law authorizes the acquisition of water rights for wild horses and burros;

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Alternative D appear to extend well to the south of Empire and therefore lie significantly beyond settled areas associate with Empire. BLM has failed to adequately justify this large loss of HMA acreage in this case, and further information, including more detailed maps, would be required in order to justify this proposed change.

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**Issue Number:** PP-NV-Winnemucca-13-08-14

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

**Issue Excerpt Text:**



Despite BLM's statement that "This action would have no direct impacts on the wild horses that reside in the Jackson Mountain HMA as the portion of the HMA that they currently occupy would remain

unchanged", AWHPC is extremely concerned that there may be significant future impacts to WHB from the cumulative effects of this action and similar actions. The removal of 18,800 acres from HMA status is significant and follows the Bureau's failed pattern of incrementally reducing HMAs in favor of LG.

**Issue Excerpt Text:** AWHPC is extremely concerned that the proposal to significantly reduce acreage in this HMA in favor of LG may result in significant future impacts to WHB from the cumulative effects of this action and similar actions.

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**Issue Number:** PP-NV-Winnemucca-13-08-2  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

C. Action D-WHB 1.2 "Adjust HMA boundaries to existing fences or topological barriers where these features act as a physical boundary. Not to expand beyond original HA boundaries and where little loss of HMA acreage would occur. "  
This action will primarily reconfigure the boundaries of 11 HMAs primarily along livestock grazing allotment fence lines, permanently closing public lands within these HMAs to wild horse use while turning them over to a primary single use -livestock grazing. This violates the Wild Free Roaming Horses and Burros Act (Wild Horses Act) and the Federal Land Management Policy Act (FLPMA).

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**Issue Number:** PP-NV-Winnemucca-13-08-20  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

A comparison of maps for Alternatives A and D (Figures 2-7 and 2\_10)38 shows a significant loss of acreage to the northwest corner of this HMA,

although the PRMP-FEIS fails to quantify the net loss in acreage to this HMA.

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**Issue Number:** PP-NV-Winnemucca-13-08-22  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

The BLM has no biological or ecological basis for zeroing out a herd of wild horses in an HMA that existed at the time the wild horse statute was passed in 1971. This proposed action, which would remove wild horses from significant portions of two HMAs would eliminate the "multiple use" of these public lands as required by both the Wild Horse Act and the FLPMA. Currently, while there are other uses of this public land, the two primary uses are by wild horses and livestock. If BLM proceeds with its proposed action to remove wild horses from the checkerboard portions of the HMAs, the remaining single major use would be livestock. This is a flagrant violation of both the Wild Horse Act and FLPMA, as stated above.

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**Issue Number:** PP-NV-Winnemucca-13-08-27  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

BLM must explicitly state the change in acreage and adequately justify the boundary change. Although BLM does not name the allotment to which this HMA would lose such an apparently large but unspecified amount of acreage, it appears from a comparison of the maps in Figures 3-26 and 2-7, respectively, that the HMA falls within the enormous Blue Wing Seven Troughs Allotment.

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**Issue Number:** PP-NV-Winnemucca-13-08-29  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

The PRMP-EIS is deficient as it does not specify losses to each HMA, and its calculations regarding total projected loss of HMA acreage from these two HMAs appear to underestimate the total projected loss by 40,889 acres.

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**Issue Number:** PP-NV-Winnemucca-13-08-32  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

Table 3\_1955 states total BLM acres for the Black Rock Range East HMA and the Black Rock Range West HMA as 93,400 and 93,200 acres respectively, for a combined total of 186,600 acres. BLM states that Actions WHB 1.3 and WHB 1.4 would result in the return of "approximately 43,969 acres [from the Black Rock Range East and Black Rock Range West HMAs] to HA status" and that "The combined HMA would be called the Black Rock Range HMA and would total approximately 183,520 [acres]." 56 This massively understates the projected losses under the proposed plan, for 93,400 acres (total BLM acreage of the Black Rock Range East HMA, as per Table 3-19), plus 93,200 acres (total BLM acreage of the Black Rock Range West HMA, as per Table 3-19) equals a total of 186,600 acres, less 43,969 acres, equals 142,631 acres, not 183,520 acres, as BLM states. This is a massive difference of 40,889 acres.

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**Issue Number:** PP-NV-Winnemucca-13-08-36  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

The PRMP-EIS is deficient as it does not specify losses to each HMA, and its calculations regarding total projected loss of HMA acreage from these two HMAs appear to underestimate the total projected loss. BLM must specify the proposed losses to each HMA individually and must correct its calculations of total proposed reductions in HMA acreage. Table 3\_19 states total BLM acres for the Nightingale Mountains HMA and the Shawave Mountains HMA as 76,000 and 107, 100 acres respectively, for a combined total of 183, 100 acres. BLM states that Actions WHB 1.3 and WHB 1.4 would result in the

return of "approximately 43,969 acres [from the Nightingale Mountains and Shawave Mountains HMAs] to HA status" and that "The combined HMA would be called the Shawave HMA and would total approximately 139,551 acres."

This understates the projected losses under the proposed plan, for 107, 100 acres (total BLM acreage of Shawave Mountains HMA, as per Table 3\_1963), plus 76,000 acres (total BLM acreage of Nightingale Mountains HMA, as per Table 3-1964) equals a total of 183,100 acres, less 43,969 acres, equals 139,131 acres, not 139,551 acres, as BLM states. This is a not inconsiderable difference of 420 acres.

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**Issue Number:** PP-NV-Winnemucca-13-08-38  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

AWHPC notes that BLM states that "Allowing for conversion from cattle to sheep or goats on grazing allotments that have HMAs would be beneficial to WHB as there is less of a dietary overlap between horses and sheep or goats." Given that there is "less of a dietary overlap between horses and sheep" and that the Nightingale Mountains and Shawave Mountains HMAs are located within the 1,192,775 acre Bluewing/ Seven Troughs Allotment which is authorized for sheep, BLM's decision to limit AML for WHB in these two HMAs to a maximum of just 63 and 73 horses, respectively, and zero burros, it appears that BLM's decision regarding these HMAs is arbitrarily and capriciously low.

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**Issue Number:** PP-NV-Winnemucca-13-08-4  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

BLM has chosen Alternative D over Alternative A. Under Alternative D, 11 HMA boundaries would be changed, resulting in loss of HMA acreage. Although BLM claims that these HMA boundary adjustments would be "to existing fences or topological barriers where these features act as a physical boundary... and where little loss of HMA acreage would occur", in

fact the overall effect would be significant loss of acreage available to WHB within HMAs. Unlike its description of changes to lands available for livestock grazing (LG), BLM in many cases does not quantify specific acreage lost to HMA areas, and it fails to provide a table of proposed reduction in acreage to HMAs similar to the table which clearly summarizes current area permitted for grazing within the WD and outlines proposed changes in under the various alternatives considered in Chapter 4.' This is a serious deficiency of the RMP, for it makes it impossible for the interested public to compare projected losses in HMA acreage with proposed reduction in acreage open to LG. Further, if the BLM was able to create Table 4-42 outlining proposed changes in area permitted for grazing under the various alternatives, there is no justifiable reason why it should not create a similar table outlining proposed changes to HMA areas in the section on Wild Horses and Burros in Chapter 4-Environmental Consequences. Despite that glaring deficiency in the PRMP, a comparison of Figures 2-7 "Winnemucca District RMP Herd Management Areas-Alternative A" and 2-10, "Winnemucca District RMP Herd Management Areas-Alternative D" clearly shows a significant loss of HMA acreage proposed under Alternative D.

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**Issue Number:** PP-NV-Winnemucca-13-08-50  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

"Re-evaluate the 15 Herd Areas (HAs) for reinstatement as HMAs. Given the 20 million acres of WHB habitat that have been removed since 1971, BLM must look toward ways of restoring not reducing WHB habitat. Re-evaluating HAs for reinstatement as HMAs is included as a provision in the BLM's national draft strategy document. The RMP should reflect this national strategy, which responds to public demands for actions to increase and restore wild horse and burro habitat. BLM Response: "Habitat for WH&B is composed of four essential components: forage, water, cover and space.... If [these components] are not present in sufficient amounts, the authorized officer should consider amending or revising the LUP to remove the area's designation as an HMA. The areas that have not been designated as HMAs lack one of the 4 components, space, is comprised of checkerboards

lands, of which BLM has no authority to manage WH&B on private lands." [sic] AWHPC Response: Although it is difficult to understand the meaning of this Response owing to grammatical flaws which render it nearly incomprehensible, AWHPC can say that the Response does not adequately address the concerns expressed in the comment, above. It simply beggars belief that the 5,502,399 acres of HMAs and HAs within the WD cannot provide adequate forage, water, cover and space for the 5,490 horses and 247 burros estimated to occupy the district in 2012 as per Table 3-19, "Characteristics of HMAs and HAs".

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**Issue Number:** PP-NV-Winnemucca-13-08-57  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

In fact, under Action D-WHB 1.4 (and not under WHB 1.2, which BLM cites in its Response to this comment) BLM has chosen to consolidate the Black Rock East and West HMAs, creating the Black Rock Range HMA and to consolidate the Shawave and Nightingale Mountains HMAs, creating the Shawave HMA, and it has failed to adequately defend this action based on biological imperatives as AWHPC urges.

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**Issue Number:** PP-NV-Winnemucca-13-08-6  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

BLM claims no net change in acreage, but a comparison of the two maps indicates there would be a net loss to the HMA in the area directly north of the Summit Lake Indian Reservation and south of the Sheldon NWR.

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**Issue Number:** PP-NV-Winnemucca-13-08-7  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

AWHPC stated in its official comments regarding the WD Draft RMP, "HMAs should be maintained separately. BLM lacks basic data on WHB behavior, ecology and population dynamics as well as individual herd data to determine whether

consolidation of HMAs makes biological sense. If BLM were to attain such data, consolidation should only occur based on biological imperatives; administrative convenience is not sufficient reason to consolidate management of HMAs."

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### Summary:

The BLM's proposed decisions on HMAs are flawed for the following reasons:

- Poor justification for acreage losses/reductions in HMAs.
- Inadequate cumulative effects analysis for Blue Wing/7 Troughs HMA.
- Reduction of HMA acreage in favor of livestock grazing not justified.
- Failure to quality or account for acreage losses in HMAs.
- No scientific basis for zeroing out wild horses in an HMA.
- Failure to specify losses to each HMA.
- Several mathematical acreage miscalculations.
- Consolidation of HMAs not based on science.

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### Response:

The FLPMA mandates that the BLM administered land be managed for multiple use. Livestock grazing and WH&B are both uses authorized to occur on BLM administered land. The RMP analyzes several proposed levels of livestock grazing, up to and including elimination of livestock grazing. (Appendix M Pt2 Non-Government Organizations - 7). See also section on Grazing in this report. With regard to conversion of HMAs to HAs:

This section of the EIS was substantially rewritten from draft to final, based on public comments (see for example comments from NGO-AWI 5 & 6, Appendix M, p. Non-Government Organizations-12.) In comment Response L&SA-N2GB-30, the FEIS noted "BLM has proposed adjustments to Herd Management Areas (HMAs) to promote efficient management of WH&Bs. Boundary changes relate to existing fences or topological barriers. (Appendix M, Local & State Agencies page 19).

As noted in comment Response NGO-ASPCA-10, "Habitat for WH&B is composed of four essential components: forage, water, cover, and space. These components must be present within the HMA in sufficient amounts to sustain healthy WH&B populations and healthy rangelands over the long term. If they are not present in sufficient amounts, the authorized officer should consider amending or revising the LUP to remove the area's designation as an HMA. If the decision is made to return a designated HMA to HA status, the total population of WH&B should then be gathered and removed. See BLM Manual Section 4710.3." (PRMP/FEIS Appendix M, Pt2, p. Non-Government Organizations-4).

Action WHB 1.8.1 allows for conversion of HMAs back to HAs in accordance with the WH&B Act where it has been determined that these areas do not provide adequate habitat to support healthy populations of wild horses or burros. (Appendix M Pt2 Non-Government Organizations - 11). Please also note comment Response NGO-CBD 15 - Action C-WHB 1.8.1 – replace with Action D-WHB 1.8.1. If healthy and adequate suitable habitat for WH&B cannot be provided, then they should be permanently removed from the range and the AML set to zero. (Appendix M Pt5 Non-Government Organizations - 174)

NGO-AWI-5: Action WHB 1.2 allows for adjusting HMA boundaries to existing fences or topological barriers. This helps facilitate management of WH&Bs within these areas.

NGO-AWI-6: A recurring pattern of WH&B movement out of the HMA to access forage, water, or thermal or hiding cover is an indication that year-long WH&B use cannot be sustained. If one or more of the key habitat components is missing, the HMA should be considered as unsuitable for year-long use. In these situations, the AO should consider removing the area's designation as an HMA through LUP. (Appendix M Pt2 Non-Government Organizations - 12).

The BLM has furnished maps suitable for an RMP analysis. Several GIS layers are available to the public for downloading at: [http://www.blm.gov/nv/st/en/prog/more\\_programs/geographic\\_sciences/gis/geospatial\\_data.html](http://www.blm.gov/nv/st/en/prog/more_programs/geographic_sciences/gis/geospatial_data.html) (Appendix M Pt12 Individuals - 81).

The Jackson Mountains HMA is 283,000 acres. Removal of 18,800 acres is equivalent to about 6 percent of the HMA. This section had been entirely re-written from the DRMP/DEIS to the PRMP/FEIS based on public comments; however, the management action identifying which HMA boundaries would be adjusted did not change between the DRMP/DEIS and PRMP/FEIS.

Cumulative impacts to WH&B are described on PRMP/FEIS page 4-381: "Incremental impacts on WH&B should gradually decrease based on achieving standards for rangeland health or not permitting livestock grazing. Other management strategies and permit requirements, including implementation of mitigation measures and permit stipulations applicable to minerals, lands and realty, and renewable energy development to reduce impacts on vegetation and reclaim disturbed areas would maintain and/or restore thriving ecological conditions within HMAs. Incremental impacts would vary based on the size and location of disturbance that occurs within HMAs. Management of OHV travel would reduce impacts on WH&B based on the number of acres of open, limited, or closed to OHV use. OHV travel management and use restrictions in priority wildlife habitat areas, priority watersheds, sensitive species management, and ACEC management would protect HMA by limiting uses in areas where HMA overlap these areas. Continued removal of excess WH&B above AML would maintain a thriving natural ecological balance within HMAs. Landscape scale fuel breaks would afford protection of HMAs from wildfire. Based on the Wild and Free-Roaming Horse and Burro Act of 1971, BLM policy and proposed management actions, a thriving natural balance would continue to exist as cumulative effects of multiple uses within HMA would not cause unacceptable impacts or deterioration of rangeland. Overall incremental impacts would range from low to moderate and would be dependent on the location and size of disturbance within HMAs, the types of uses and the degree of use restrictions associated with HMAs and managing herds to AML."

Horse gathers are implementation decisions based on monitoring and population counts and would require separate decision-making, including public involvement and NEPA analysis. (Appendix M Pt2 Non-Government Organizations - 11)

In regard to: "A comparison of maps for Alternatives A and D (Figures 2-7 and 2-10) 38 shows a significant loss of acreage to the northwest corner of this HMA, although the PRMP/FEIS fails to quantify the net loss in acreage to this HMA" the following applies.

This section had been entirely rewritten from the DRMP/FEIS to the PRMP/FEIS based on public comments therefore no comment specific to this concern would have been raised during the comment period. (Note the management action identifying which HMA boundaries would be adjusted has not changed between the DRMP/DEIS and PRMP/FEIS).

The proposed management action D-WHB 1.2 (DRMP/DEIS p. 1.4), renumbered to D-WHB 1.4 in the PRMP/FEIS (p. 2-95) would combine the Black Rock East and West HMAs. This would result in the Black Rock HMA and would be a total of 183,520 acres (p. 4-355). This would be a net loss of 3,080 acres or approximately 2 percent of the total between the two HMAs. This was not specifically stated in the Final EIS/Proposed RMP.

Page 4-355 states "this action along with the proposed boundary changes above would return approximately 43,969 acres to HA status." This is a typographical error; it should have been the 3,080 acres. This will be clarified in the Record of Decision (ROD).

Additionally, "A portion of the Black Rock East HMA lies within the Pine Forest Allotment. The Pine Forest FMUD (2005) decided that the portion of the HMA within the Pine Forest Allotment would not be managed for wild horses and set the AML at 0." (PRMP/FEIS p. 4-352).

In regard to: "BLM must explicitly state the change in acreage and adequately justify the boundary change. Although BLM does not name the allotment to which this HMA would lose such an apparently large but unspecified amount of acreage, it appears from a comparison of the maps in Figures 3-26 and 2-7, respectively, that the HMA falls within the enormous Blue Wing/ Seven Troughs Allotment" the following applies.

The commenter correctly notes that this HMA is in the Blue Wing/Seven Troughs Allotment. Management action D-WHB 1.4 would combine the Shawave and Nightingale HMAs. This was action D-WHB 1.2 in the draft. The total acres for the two HMAs is 183,100 acres (see PRMP/FEIS Table 3-19, p. 3-83). The new HMA would comprise 139,551 acres (PRMP/FEIS p. 4-355). The net loss would be 43,549 or 2 percent of the original acres. This will be clarified in the ROD.

As explained on PMRP/FEIS page 4-354, due to the inability to manage horses on private lands the portion of the HMA that is within the checkerboard land pattern is being returned to HA status in the Proposed RMP.

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### Wild Horse and Burros – Burros

*Total Number of Submissions: 1*

*Total Number of Comments: 3*

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**Issue Number:** PP-NV-Winnemucca-13-08-18

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

#### Issue Excerpt Text:

Despite BLM's statement that "This action would have no direct impacts on the burros that reside in the McGee Mountain HMA as the portion of the HA that the burros currently occupy would remain unchanged", AWHPC is extremely concerned that there may well be significant future impacts to the burros in this HMA from the cumulative effects of this and similar actions which reduce HMA area.

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**Issue Number:** PP-NV-Winnemucca-13-08-40

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

#### Issue Excerpt Text:

G. Action D-WHB 1.6 "In HMAs with both wild horse and burro AMLs, conversion from wild horses to burros and from burros to wild horses may occur

to ensure healthy populations and thriving natural ecological balance is maintained while managing for species most appropriate for available habitat. AWHPC protests this action for the following reasons:

- The PRMP/FEIS provides no scientific data on which to base its conclusion that WHB cannot coexist in HMAs.
- The action would contribute to the reduction in wild horse and or burro habitat.
- The action would contribute to the genetic crisis faced by the burro population on BLM land, and is inconsistent with the NAS recommendation that burro AMLs and removal plans be re-evaluated in light of the genetic findings. (See section V (A).)
- The FEIS has failed to evaluate the direct and cumulative impacts of this proposed action on wild horses and burros.

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**Issue Number:** PP-NV-Winnemucca-13-08-73

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

#### Issue Excerpt Text:

(5) The NAS report warned that the genetic health of the burro population is in jeopardy and suggested that BLM needs to assess whether the low AMLs for burros can sustain genetic diversity. The RMP/EIS is inconsistent with this finding; the proposed AML for burros in the McGee Mountain

HMA is not large enough to maintain genetic health of these animals. In addition, the EIS failed to

analyze the genetic impacts of the proposed AML on the genetic health of the burros.

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**Summary:**

The discussion of burros in the PRMP/FEIS is deficient for the following reasons:

- Impacts to burros in McGee Mtn. HMA may be significant in the future.
- Inconsistency with National Academy of Sciences (NAS) Study finding proposed AML for burros is not large enough to maintain genetic health of the animals.
- Failure to analyze direct and cumulative impacts of conversion of wild horses to burros AMLs and vice versa.

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**Response:**

The BLM is developing a formal, national-level Response to the NAS Report; therefore, the Report's findings recommendations were not considered in the PRMP/FEIS pending the outcome of this process. See Response to comment NGO-AWHPC-5: Conversion of WH habitat to burro habitat and vice versa. HMAs should accommodate both species where possible, and adjustments made to livestock grazing in order to ensure that both species are accommodated. (Appendix M-P2 Non-Government Organizations – 8)

The PRMP/FEIS adequately analyzed burro issues in the FEIS by evaluating direct impacts of the proposed action on burros and proposing appropriate decisions, as follows.

Alternative B McGee Mountain HMA - Currently the McGee Mountain HMA encompasses the McGee Mountain Use Area of the Alder Creek Allotment and a small portion of both the Wilder-Quinn Allotment and the Knott Creek Allotment. The Wilder-Quinn Allotment lies to the north of the McGee Mountain HMA and the Knott Creek Allotment to the south. These allotments do not have established AMLs for burros and the allotment boundary fences create a defined boundary which effectively prevents burros from venturing onto these allotments. The McGee Mountain HMA boundary would be adjusted to the fence lines on the north and south end of the HMA returning approximately 7, 052 acres of the HMA in the Wilder Quinn and Knott Creek Allotments to HA status. Under this alternative, the McGee Mountain HMA would be returned to HA status, and the wild burros would be removed. Because water is an essential habitat component and there is no naturally occurring water within the HMA boundary, the burros move outside the HMA in order to access water. (PRMP/FEIS 3-347)

Alternatives A & D: Converting from wild horses to burros or from burros to wild horses, would allow the manager some flexibility in managing the areas where WHBs are adjacent to each other or intermingled. Having flexibility to transition from one equine type to another is also better for the animals by managing the types of animals most suited for the habitat in question. Converting AUMs for horses to burros, if needed, may be a key management action to preserve the genetic viability of the burro herd and vice versa. (PRMP/FEIS 4-345 and 4-355)

Alternative B: Not allowing the conversion from wild horses to burros or from burros to wild horses, may preclude the manager some needed flexibilities in managing the areas where WHB are adjacent to each other or intermingled. Converting AUMs for horses to burros, if needed, may be a key management action to preserve the genetic viability of the burro herd and vice versa, if this is not an option, then the health of the herds may be impacted. (PRMP/FEIS 4-349)

Alternative C: Conversion from wild horses to burros would allow for management options, to protect the genetic viability of the burro herds. However, not allowing for conversion from burros to wild horses would limit management options in HMAs where the habitat is better suited for horses than burros. (PRMP/FEIS 4-351)

NGO-AWHPC-4 D and F: The amount of forage available to allocate to WH&B shall be determined through in-depth evaluation of resource monitoring data and following a site-specific environmental analysis decision process. Forage for WH&B (AUMs) is allocated based on the AML upper limit. (Appendix M-P2 Non-Government Organizations – 7).

Adjusting AMLs was not a management action considered in this RMP. AMLs would be adjusted in an implementation level plan.

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**Wild Horse and Burros – Conflicts with Livestock Grazing**

*Total Number of Submissions: 1*

*Total Number of Comments: 2*

**Issue Number:** PP-NV-Winnemucca-13-08-24

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

Further, this action described illegally elevates the private interest of livestock grazing permittees over the mandatory duty to protect wild horses in this area and over the interests of those who cherish the opportunity to observe, photograph, and otherwise enjoy what Congress has declared a "national esthetic treasure" when it enacted the Wild Horse Act. These permittees graze livestock on public lands at a fraction of market rate, thanks to tax subsidies. See section V (D). The authorization to graze privately-owned livestock on our public lands is given entirely

at the discretion of the Secretary of the Interior. By contrast, protection of wild horses is mandated by an act of Congress.

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**Issue Number:** PP-NV-Winnemucca-13-08-51

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

It is telling that the PRMP discusses at length the economic value of both LG and F&W in the "Social and Economic Conditions and Environmental Justice" section of Chapter 4, "Environmental Consequences" (section 4.5.3) but it is silent on the economic value of WH&B, despite the fact that a large number of Americans are in fact willing to pay a considerable sum of money to observe these animals in the wild, and this is a deficiency of the PRMP.

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**Summary:**

The BLM favors livestock grazing over WHB and is silent on the economic value of WH&B in Chapter 4 of the FEIS, despite economic impact of citizens who pay money to view these animals in the wild.

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**Response**

The Taylor Grazing Act authorizes the use of rangelands to livestock grazing, the WH&B Act established HMAs and provided protection for WH&Bs. The Federal Land Management and Policy Act (FLPMA) mandates that the BLM administered land be managed for multiple uses. Livestock grazing and WH&B are both uses authorized to occur on BLM administered land. (Response to NGO-AWHPC-4, Appendix M, Pt2, p. Non-Government Organizations-7). As noted in the Response to Comment: I-Martaw-5: Identify Herd Areas, Herd Management Areas and Ranges that provide unique opportunities to develop public viewing opportunities and/or development of ecotourism (Appendix M Pt 13 Individuals-144) , "WH& B viewing areas have been added to the Watchable Wildlife section." The Objective in the FEIS was updated to include WHB viewing areas. Action CA-WWV 1.2 "Evaluate areas for potential WHB viewing areas." Impacts to watchable wildlife viewing sites from WHB



management is discussed on PRMP/FEIS 4-758. See also Response to I-Oster-6 (Appendix M\_Pt 13 Individuals-169).

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**Wild Horse and Burros – AMLs**

*Total Number of Submissions: 2*

*Total Number of Comments: 3*

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**Issue Number:** PP-NV-Winnemucca-13-08-60  
**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

**Issue Excerpt Text:** SUBJECT: AML & ROUNDUPS (pp. 2-93 to 2-95) NGO-AWHPC Comment 3:92 "The alternatives outlined fail to include on the range management strategies and continue the failed approach of frequent roundups, removals and stockpiling of wild horses in holding facilities." BLM Response: None. AWHPC Response: BLM's failure to respond to this comment is a serious inadequacy and is unacceptable. The

Bureau has also utterly failed to analyze the very significant environmental and economic impacts of its failed approach of frequent roundups, removals and stockpiling of wild horses in holding facilities. AMLs for WH&B are consistently set at levels which are dangerously close to or below minima for ensuring genetic diversity. They are also set in a manner which is arbitrary and capricious, as the methodology does not take into account or even reference a recent relevant study by the National Academies of Sciences commissioned by the BLM at considerable taxpayer expense, as well as other recent and well-documented studies on this issue. The BLM's reference to AML in Response to criticism of its policy of continuing to round up and remove horses from the public lands at taxpayer expense is therefore inadequate, since it does not call into question the methodology for setting AML in the

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**Summary:**

Methods used by BLM for establishing, monitoring, and adjusting AMLs is "not transparent to stakeholders, supported by scientific information, or amenable to adaptation with new information and environmental and social change". BLM does not use any scientific basis for allocating forage and habitat resources. Allocations in adjusting AML with wild horses is confusing and unclear as to what will occur; there is no systematic science based guidance

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first place. Since BLM relies heavily on stated AMLs as a rationale for continuing its policy of rounding up, removing and stockpiling WH&B at taxpayer expense, it must provide a credible rationale for how it arrived at the AMLs in question in the first place.

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**Issue Number:** PP-NV-Winnemucca-13-08-68  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

(I) Currently the BLM does not use any science basis for allocating forage and habitat resources to various uses. In addition, the method for establishing, monitoring, and adjusting AMLs is "not transparent to stakeholders, supported by scientific information, or amenable to adaptation with new information and environmental and social change. Standards for transparency, quality and equity are needed in establishing these levels, monitoring them and adjusting them."

Alternative D Action WHB 5.1 is inconsistent with this finding.

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**Issue Number:** PP-NV-Winnemucca-13-09-103  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

Alt. LG 1.3.1 refers to allocations in adjusting AML with wild horses. It is very confusing and unclear what will occur, and there is no systematic science-based guidance for determining whether a TNEB exists, and developing an AML.

for developing an AML BLM must provide a credible rationale for how it arrives at the AMLs in question in the first place.

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**Response:**

As noted in Response to comment I-Blackwelder-1 (Appendix M, Pt1 1, p. Individuals-23): Setting AMLs is an implementation level decision, not an RMP level decision. During the implementation level decision-making process a separate public involvement and NEPA analysis will be conducted. “ As described in the PRMP/FEIS, in the future decision-making process when the BLM establishes AML,

the analysis will include an in-depth evaluation of intensive monitoring data or land health assessment. Intensive monitoring data shall include studies of grazing utilization, range ecological condition and trend, actual use, and climate (weather) data. PRMP/FEIS 3-80. The separate decision-making process will be consistent with BLM Handbook H-4700-1 and consider population inventory, use patterns and animal distribution. A minimum of 3 to 5 years of data is preferred. Progress toward attainment of other site-specific and landscape-level management objectives should also be considered.

If private waters (on private land) are fenced or otherwise made unavailable to WHB, the BLM would decrease the AML to account for the decrease in available water. This would be a direct impact to WHB as the AML would be decreased and the genetic viability of the herd has the potential to be affected. A long term impact to WHB would be a continual decrease in the areas managed for WHB. (PRMP/FEIS 4-349, 351 and 355)

Under Alternative D, contiguous HMAs with documented reproductive interaction would be managed as complexes to enable better management of genetic traits for the population and to improve coordination of monitoring and gathering. This would be beneficial to WHB, to preserve the genetic viability of the herds. (PRMP/FEIS 4-355) All actions [regarding fences and cattle guard mitigations or removals] would ensure normal herd distribution and movement as well as genetic interchange. (PRMP/FEIS 4-355)

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**Wild Horse and Burros – Population Control**

*Total Number of Submissions: 1*

*Total Number of Comments: 7*

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**Issue Number:** PP-NV-Winnemucca-13-08-44

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

AWHPC protests all proposed actions related to converting wild free roaming horse populations in the Winnemucca District, in part or in total, to non-reproducing herds. Any methods for sterilizing horses -including spaying (ovariectomy) of mares and gelding (castration) of stallions -that impact natural behaviors are illegal under the Wild Horse Act and its mandate to preserve the wild free roaming behaviors of wild horses.

The BLM has presented no scientific evidence to

support the conversion of wild free roaming horse populations to non-reproducing herds, no scientific justification or basis for the determinations listed above regarding when to implement non-reproducing herd components, and no scientifically-based impact analysis of the various sterilization methods on wild horses and burros.

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**Issue Number:** PP-NV-Winnemucca-13-08-46

**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

"In HMAs with a lower AML limit of 150 animals or more, allow for the adjusting of sex ratios of WHB to favor males to reduce the number of breeding females to slow population growth rates to maintain a four-year gather cycle at minimum (longer cycles preferred.) “

The RMP/EIS includes no data to support this action. Sex ratio skewing should be prohibited in the RMP. There is no science, papers or concrete data relating to the impact to individual horses, bands and/or herds, sex ratio skewing; without the completion of significant scientific studies, sex ratio skewing on the range must be eliminated as the Proposed Action or as an alternative management method. In addition, there is no science that shows that the artificial skewing of natural sex ratios contributes to population suppression. In fact, anecdotal evidence suggests that sex ratio skewing interrupts natural social structures and that due to this disruption young mares begin to breed at younger ages due to the lack of females on the range whereby increasing reproduction rates.

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**Issue Number:** PP-NV-Winnemucca-13-08-48  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

The NAS concluded that 60:40 sex ratio skewing "only slightly reduced" population growth, and that "care should be taken to assess possible additional consequences" if more aggressive sex ratio adjustments are initiated by drastically altering the number of females relative to males beyond a 40:60 ratio." Among the consequences cited by BLM include increased male-male aggression, decline in male condition, impacts on female foraging success. The Final EIS must incorporate these NAS findings - which BLM solicited - in its impacts analysis. The final RMP should not include sex ratio skewing as it is unsupported by science because:

- 60:40 ratios favoring males do not significantly impact population growth rates;
  - "Aggressive" sex-ratio skewing beyond 60:40 has potential negative consequences on individual horses, horse natural behaviors and horse social dynamics.
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**Issue Number:** PP-NV-Winnemucca-13-08-69  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

(2) BLM current management practices facilitate

high rates of population growth. Alternative D WHB 5.2 is inconsistent with this finding.

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**Issue Number:** PP-NV-Winnemucca-13-08-71  
**Organization:** American Wild Horse Preservation Campaign

**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

(4) NAS did not recommend ovariectomy and gelding as a population control strategy, and in fact recommended that BLM utilize reproductive control methods that have minimal impacts on natural behaviors.

Action D-WHB 5.4 -5.5 are inconsistent with this finding because they propose that entire populations and portions of populations of wild horses be managed as non-reproducing, something the NAS evaluated but did not recommend.

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**Issue Number:** PP-NV-Winnemucca-13-08-75  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

Action D WHB 5.-1 (1) and 5.5 are inconsistent with these expert opinions and "material scientific evidence" already in the possession of BLM A federal judge has already warned the BLM that it cannot remain "studiously ignorant" of this "material scientific evidence. " Therefore it must be considered in the EIS (impacts of sterilization/non-reproducing herds on wild horses) as well as in the final RMP which should bar the spaying (ovariectomy) of mares and castration of stallions as management tools.

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**Issue Number:** PP-NV-Winnemucca-13-08-77  
**Organization:** American Wild Horse Preservation Campaign  
**Protestor:** Suzanne Roy

**Issue Excerpt Text:**

The attached legal analysis and accompanying research paper documents (the concerns about use of

Spay Vac in wild horses, both from the perspective of side effects and potential irreversibility as a sterilant. The information was sufficient to prompt the BLM to cancel a large-scale trial of this drug on wild mares in Wyoming.

Action D WHB 5.3 is inconsistent with this evidence because it recommends the use of SpayVac to slow wild horse population growth rates. The final RMP should qualify this recommendation to allow the use

of SpayVac only after further research is undertaken and it is proved to be safe and reversible for use in wild horses. The final EIS must incorporate information about the side effects -including potential permanent loss of fertility - of SpayVac on mares in its impacts analysis.

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### **Summary:**

The BLM's conversion of free roaming herds to non-reproducing herds involving sterilization methods is illegal under the Wild Horse Act. Other BLM proposals to slow population growth are not justified and at odds with the NAS study.

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### **Response:**

Under the WFRHBA (16 USC § 1333(b)(1)), the authorized officer may determine whether AML should be achieved by removal of excess animals, and/or if options such as sterilization or natural population controls should be implemented. Consistent with this authority, some selected HMAs may be managed for non-reproducing wild horses to aid in controlling on the range population numbers. 16 USC § 1333(b)(1). The management decisions in the PRMP/FEIS are consistent with the WFRHBA and BLM policy.

BLM Manual Section 4710.22(C), and BLM Handbook: H-4700-1 – Wild Horses and Burros Management (Chapter 4).

Proposed population control management actions were described in the PRMP/FEIS at Action A-B-C-D WHB 5.2, Action A-B-D WHB 5.3, and Action D 5.4, 5.5 on pages 2-98 through 2-100.

The impacts of the proposed population control management actions were addressed in text at the following locations in the PRMP/FEIS:

Chapter 4.2.4 effect on Water Resources pages 4-92 and 4-93

Chapter 4.2.5 effect on Vegetation: Forest/Woodland Products pages 4-143 and 4-144

Chapter 4.2.6 effect on Vegetation: Invasive and Noxious Species page 4-171

Chapter 4.2.7 effect on Vegetation: Rangelands pages 4-196 and 4-197

Chapter 4.2.8 effect on Vegetation: Riparian Habitats and Wetlands page 4-226

Chapter 4.2.9 effect on Fish and Wildlife pages 4-260, 4-261 and 4-262

Chapter 4.2.10 effect on Special Status Species pages 4-305 and 4-306

Chapter 4.2.11 effect on Wild Horses and Burros pages 4-345, 4-348, 4-351 and 4-356

Chapter 4.3.1 effect on Livestock Grazing page 4-512 and 4-513

Chapter 4.4.1 effect on Areas of Critical Environmental Concern page 4-664

Chapter 4.4.2 effect on Wild and Scenic Rivers page 4-681

Chapter 4.4.3 effect on Back Country Byways page 4-693 and 4-694

Chapter 4.4.4 effect on Wilderness Study Areas and Lands with Wilderness Characteristics page 4-718 and 4-719

Chapter 4.5 effect on Social and Economic Conditions and Environmental Justice page 4-803

The issue of population control and its impacts was raised during the commenting period for the DRMP/DEIS. See following Responses in Appendix M - Response to Comments :

Non-Government **Organizations** Part 1 of 7 pages 4 and 7  
Non-Government **Organizations** Part 4 of 7 page 179  
Non-Government **Organizations** Part 5 of 7 page 228  
Non-Government **Organizations** Part 6 of 7 page 280  
Businesses Part 1 of 2 page 29  
Individuals Part 1 of 3 pages 52, 62, and 66  
Individuals Part 2 of 3 pages 76 and 86  
Individuals Part 3 of 3 pages 166, 195 and 198

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### **Air Quality**

*Total Number of Submissions: 1*  
*Total Number of Comments: 4*

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**Issue Number:** PP-NV-Winnemucca-13-09-80  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

#### **Issue Excerpt Text:**

RMP Table 2-3 goals, objectives and actions fail to incorporate consideration of the adverse effects of dust and airborne soil erosion caused by livestock and other disturbances to soils, microbiotic crusts, and playa surfaces.

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**Issue Number:** PP-NV-Winnemucca-13-09-82  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:** How much will windblown dust erosion be increased by OHV and other playa disturbances? There is no analysis of this, or measures to prevent or minimize it through limiting activities in erosion-prone areas.

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#### **Summary:**

The BLM failed to conduct an adequate air quality analysis with regard to:

- Adverse effects of dust and airborne soil erosion caused by livestock.
- Dust erosion from increased OHV and other playa disturbances.
- Failure to analyze measures to prevent or minimize dust.
- Inadequate analysis of Class I airsheds and of haze, and ways to minimize it.
- Unnatural air pollution from agency prescribed burns in both spring and fall that cause health problems, mar visual settings and recreational uses, and promote cheatgrass.

Lack of analysis and consideration of the amount or degree of herbicide use and risk associated with that use.

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**Issue Number:** PP-NV-Winnemucca-13-09-84  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

#### **Issue Excerpt Text:**

Class I airshed analysis must include downwind airsheds. There is no adequate consideration of haze, and ways to minimize it. We are concerned about the prolonged periods of unnatural air pollution from agency prescribed burns in both spring and fall. These burns may cause health problems for humans, they also mar visual settings and recreational uses, and promote cheatgrass.

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**Issue Number:** PP-NV-Winnemucca-13-09-86  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

#### **Issue Excerpt Text:**

There is no analysis and consideration of the amount or degree of herbicide use and risk associated with that use that will result under the alternative.

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**Response:**

The PRMP/FEIS adequately analyzes air quality impacts.

The BLM has conducted additional analysis for climate change in the FEIS. This analysis includes greenhouse gases, major economic sectors contributing to emissions that are subject to BLM land use management practices, global mean temperature changes and future trends. See PRMP/FEIS Chapter 3 - Air Quality. In addition, impacts from livestock grazing are analyzed in Chapter 4 by resource and use.

As noted in BLM's Response to comment NGO-WWP-Fite-48 (PRMP/FEIS Appendix M\_PT7: Non-Government Organization -292): "Alternatives B, C and D list action AQ 1.2: Minimize or reduce adverse impacts on air quality from BLM and BLM-authorized activities by implementing BMPs and mitigation measures on a case-by-case basis." Primacy for air quality has been delegated from EPA to the State of Nevada. Nevada has adopted state Ambient Air Quality standards equal to or more stringent than comparable federal standards. These standards are listed on Table 3-1 (PRMP/FEIS p. 3-1). Please refer to Air Quality Objective for C and D AQ-1. (PRMP/FEIS p. 2-16).

Objective C&D AQ-1: Manage BLM actions and land use authorizations to prevent significant deterioration of Federal Class 1 areas and from exceeding air quality standards specified by the State of Nevada, Division of Environmental Protection or other applicable federal, state, or local air quality standards.

It should also be noted that site-specific issues and impacts relating to activities such as OHV and grazing will be addressed at implementation level planning, such as grazing permit renewals, final multiple use decisions and OHV travel management plans. Each of these decisions will include separate public outreach and environmental analysis. (Appendix M\_Pt7: Non-Government Organization – 289). Also, starting on FEIS 4-24 is a discussion of effects of wildland fire management, including prescribed burns, on air quality. As further noted in Response to comment NGO-Sierra Club-6 (re use of prescribed fire): "Fuel breaks would be constructed based on implementation of BMPs and SOPs found in Appendix B Fuels Management." (Appendix M\_Pt6: Non-Government **Organization** – 248). The Programmatic Vegetation EIS amended the Management Framework Plans (Sonoma Gerlach MFP and the Paradise Deno MFP). The Winnemucca RMP will replace those MFPs. Management under the MFPs, including what was amended by the Programmatic EIS, is described in the PRMP/FEIS as Alternative A.

In regard to the amount and degree of herbicide use and risks associated with that use, this type of analysis was made available during the development of the Programmatic EA – Vegetation Treatment on BLM Lands in Thirteen Western States EIS (1991); Integrated Weeds Management on BLM Managed Lands (1998); Herbicide Application for Control of Noxious Weeds EA (1999); Integrated Weed Management EA (2002); and Final Vegetation Treatments Using Herbicides Programmatic EIS – Western U.S. (2007). These were identified in PRMP/FEIS Table 1-4: Other Documents Considered for Implementation –Level Planning (p. 1-14).

Before any permit is issued, the BLM must go through a NEPA process to analyze the specific material for that project and impacts on a case-by-case basis. BMPs and SOPs address application procedures. (Appendix M\_PT7: Non-Government Organization – 293). This would apply to large scale herbicide use as well. As mentioned in Response to comment NGO-WWP-Fite-89 (comment re limited use of pesticides): "Specific chemical treatments and application methods are addressed on a case-by-case basis. No pesticide use was included in alternative C. (Appendix M\_PT7: Non-Government Organization – 297) Any herbicides used must be BLM-approved.

NGO-WWP-Fite-90 (comment re application of specific herbicides and cheatgrass) – BLM's Response: BLM only uses BLM approved herbicides. (Appendix M\_PT7: Non-Government Organization – 297)

## Soils

*Total Number of Submissions: 1*

*Total Number of Comments: 1*

**Issue Number:** PP-NV-Winnemucca-13-09-88

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

### **Issue Excerpt Text:**

the reader of the EIS is provided with no current information on the actual current rates of soil erosion in particular areas and across the District, the actual current levels and causes of soil erosion (such as livestock trampling disturbance to soils and protective microbiotic crusts), or the level and severity of desertification processes at present across the RMP area. BLM has also failed to identify areas where soil horizons and potential has been lost. Mapping merely shows "potential" not actual conditions. See FEIS Figures 3-4 and 3-5.

We have repeatedly emphasized in comments to BLM the importance of assessing the current degree of desertification. A significant component of desertification is soil erosion. The current degree of desertification (see Sheridan CEQ 1982, Steinfeld et al. 2006) is not provided. There is no baseline provided of where significant loss of soil horizons has occurred. All of this is significant -because the "Range Site-Soil" and NRCS Ecosite scheme that is currently being used by BLM to justify destruction of native plant communities and replanting exotic or pseudo-native large-sized cultivars, and also in range health analyses, is supposed to be based on soil types. Yet if the top layers/horizons of soil have been lost, the ability/potential to support the component claimed to be "healthy" is lessened. So in order to really understand "potential" and the potential for sustainable uses, BLM has to provide information on the current degree of loss, degradation and desertification.

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### **Summary:**

The FEIS did not provide current information on the rates, levels, and causes of soil erosion. The BLM also failed to identify where soil horizons have been lost and the level and severity of desertification.

In response to the needs identified in the 2013 Collaboration and Alternative Dispute Resolution Employee Survey, the BLM-CADR Program is offering a collaborative competency training to each BLM state in FY 2015. Survey respondents reported a desire for training and tools around a number of collaborative skills, especially in negotiation and conflict resolution, building collaborative relationships, identifying feasibility of collaboration, and setting expectations. Qualitative interviews with the BLM field managers reinforced these training requests, in particular the need for skills to deal with highly controversial issues and ardent stakeholders.

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**Response:**

Section 1.6 discusses the planning criteria—the standards and rules that guide data collection and all proposed management actions—related to soils: "13. Soil and vegetation correlations, maps, and the included information from Natural Resource Conservation Service (NRCS) Soil Surveys and range site descriptions will be used to evaluate ecological conditions and the fundamentals of rangeland health." (PRMP/FEIS P. 1-13) A description of the current state of soil resources is adequately addressed in the PRMP/FEIS in Chapter 3, Section 3.2.3, beginning on page 3-18. Biological crusts and causes of soil erosion are described in this section. The WD does not have data on rates and levels of soils erosion or where soil horizons have been lost.

Analysis of impacts to soil resources from current management starts on PRMP/FEIS page 4-55. Assumptions for this analysis state: "approximately 88 percent of the RMP area is meeting the soil standard. Areas defined as not meeting the soil standard are 'altered or disturbed land cover types' (8 percent) and 'non-vegetated cover types' (4 percent). Altered or disturbed land cover types include recent burns, mines, or quarries, and invasive and noxious weeds species. Non-vegetated cover types include primarily dune lands and playas." (PRMP/FEIS pg. 4-56).

The soil data analysis was based on the best available, most current science and information at the time the EIS was being prepared "The analysis of potential impacts on soil resources is based on the expertise of BLM resource specialists at the WD and a review of literature and soil resource maps." (PRMP/FEIS p. 4-55)

Soil data were extracted from the Digital General Soil Map of U.S. data which are available from the NRCS at <http://SoilDataMart.nrcs.usda.gov/>

This spatial dataset is described as follows in its metadata:

This data set consists of general soil association units. It was developed by the National Cooperative Soil Survey and supersedes the State Soil Geographic (STATSGO) data set published in 1994. It consists of a broad based inventory of soils and nonsoil areas that occur in a repeatable pattern on the landscape and that can be cartographically shown at the scale mapped. The data set was created by generalizing more detailed soil survey maps. Where more detailed soil survey maps were not available, data on geology, topography, vegetation, and climate were assembled, together with Land Remote Sensing Satellite (LANDSAT) images. Soils of like areas were studied, and the probable classification and extent of the soils were determined.

Map unit composition was determined by transecting or sampling areas on the more detailed maps and expanding the data statistically to characterize the whole map unit. This data set consists of georeferenced vector digital data and tabular digital data. The map data were collected in 1-by 2-degree topographic quadrangle units and merged into a seamless national data set. It is distributed in state/territory and national extents. The soil map units are linked to attributes in the National Soil Information System data base which gives the proportionate extent of the component soils and their properties.

The soil surveys consulted for data within the WD would be:

Humboldt County, Nevada, East Part

Humboldt County, Nevada, West Part

Washoe County, Nevada, North Part

Washoe County, Nevada, Central Part

Washoe County, Nevada, South Part

Lovelock Area, Nevada, Parts of Pershing and Churchill Counties

Pershing County, Nevada, East Part

Pershing County, Nevada, West Part

Fallon-Fernley Area, Nevada, Parts of Churchill, Lyon, Storey, and Washoe Counties

Surprise Valley-Home Camp Area, California and Nevada

Churchill County Area, Nevada, Parts of Churchill and Lyon Counties

Northwest Elko County Area, Nevada, Part of Elko and Eureka Counties



## Vegetation

Total Number of Submissions: 1

Total Number of Comments: 3

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**Issue Number:** PP-NV-Winnemucca-13-09-115

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

There are no measurable goals/objectives/actions for the only two veg communities that BLM considers - sage "scrub" and salt desert "scrub".

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**Issue Number:** PP-NV-Winnemucca-13-09-121

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

The EIS lacks a baseline map and analysis of all vegetation communities and specific sites where herbicides have been used to kill native species.

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Are these chemicals accumulating on playas, in water tables, springs, or other areas? What has been the result of use of these chemicals?

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**Issue Number:** PP-NV-Winnemucca-13-09-90

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

We Protest that BLM has failed to consider and require necessary prudent and protective measurable standards for arid land health and protection against weed invasions. In uplands, crusts are a frontline defense against invasive flammable species like cheatgrass, and help prevent soil erosion. They also sequester important nutrients, absorb CO2 an important climate change gas, and help absorb water. Their protection and recovery is also critical to post wildfire recovery. See Deines et al. 2008, Ponzetti et al. 2007, as is recovery of sagebrush/shrubs to anchor the plant community and as a foundation for recovery. See Prevey et al. 2010

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### **Summary:**

The BLM failed to comply with its Land Use Planning Policy (H-1601-1) by not establishing desired outcomes, allowable uses, or management actions for sage scrub and salt scrub vegetation; invasive vegetation; other upland vegetation; and biological crusts.

The BLM failed to provide adequate data for analysis with respect to herbicide treatments.

Standards—as expressed via goals, objectives, and management actions—are set for vegetation (PRMP/FEIS, page 2-45); soils (PRMP/FEIS, page 2-20); invasive and noxious plants (PRMP/FEIS, page 2-40). Specific goals, objectives, and management actions are Included for sage and salt scrub vegetation communities (PRMP/FEIS, page 2-51) and biological crusts.

### **Response:**

Standards—as expressed via goals, objectives, and management actions—are set for vegetation (PRMP/FEIS, page 2-45); soils (PRMP/FEIS, page 2-20); invasive and noxious plants (PRMP/FEIS, page 2-40). Specific goals, objectives, and management actions are Included for sage and salt scrub vegetation communities (PRMP/FEIS, page 2-51) and biological crusts.

With respect to herbicides, the PRMP/FEIS responded to comments on the DRMP/DEIS about herbicide data and inventory: "FLPMA Sec. 202(c) (4) gives BLM the discretion to rely to the extent it is available, on inventory of the public lands, their resources and other values. Alternatives were developed using existing available data" (PRMP/FEIS Appendix M Public Comments and Responses, Non-Government Organization, page 298).

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## Riparian

*Number of Submissions: 1*

*Total Number of Comments: 4*

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**Issue Number:** PP-NV-Winnemucca-13-09-131

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

The EIS is so old and outdated that it does not even address the latest in BLM's ever-shifting riparian monitoring -i.e. MIM.

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**Issue Number:** PP-NV-Winnemucca-13-09-92

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM fails to provide any current baseline of vital spring/seep and stream resources, and their current condition. water availability, water quality, degree of impairment from development, ecological condition (which means much more than arbitrary and non-scientific PFC), areas important to rare and sensitive aquatic biota, and areas important to recreational uses and enjoyment.

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**Issue Number:** PP-NV-Winnemucca-13-09-94

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

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**Summary:**

The BLM failed to follow its own technical recommendations in conducting riparian assessment its use of Multiple Indicator Monitoring (Technical Reference 1737-23) and Proper Functioning Condition (PFC) (Technical Reference 1737-9). By providing inadequate baseline riparian resource data (including characteristics of streams, stream brooks, meadows, and lentic areas), the BLM did not complete adequate environmental analysis of impacts to riparian resources from livestock grazing, as mandated by the NEPA.

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**Response:**

BLM has conducted its arbitrary PFC assessments in some areas -but even that information is not systematically provided. What specific areas are in PFC, and which are not? To determine the sustainability of grazing in a watershed, allotment, etc. and apply a stocking allocation, a review of the effects of grazing and other disturbance and depletion on water resources should be conducted. This has not occurred. BLM just assumes every pasture and allotment that has been being grazed in the past can continue to be grazed at levels above the actual use that has occurred. BLM never critically examines the water sources and their sustainability -including changes in lengths of perennial flow in streams and springbrooks or loss of meadow habitats due to headcutting and other erosion processes, aquatic species habitat and population parameters, and terrestrial species habitat and population impacts implications for any lands where it allocates status quo permitted AUMs.

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**Issue Number:** PP-NV-Winnemucca-13-09-96

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

There is no information in the RMP showing what the current condition of lentic areas is. Action DFW-9.3.1 is very unclear, and appears to apply to "fishery streams, springbrooks, and lentic fishery resources" - it is uncertain whether it applies to all springbrooks, or only those with "fisheries". Plus, how will BLM differentiate between a spring and a springbrook?

While recommended per the 2011 Technical Reference 1737-23: Multiple Indicator Monitoring (MIM) of Stream Channels and Streamside Vegetation, MIM is not required by BLM policy. The lack of mentioning MIM in the PRMP/FEIS as a tool for monitoring riparian condition does not, however, preclude the later use of such a tool. As stated in Response to comments on the DRMP, "BLM policy and technical references define methods for monitoring and meeting watershed, riparian, and aquatic health and functionality standards." (PRMP/FEIS Appendix M: Response Public Comments, Individual; pages 142, 145, 176).

Further the PRMP/FEIS acknowledges that site or resource-specific monitoring needs are yet to be defined: "The RMP provides general direction and guidance for the entire planning area and makes some specific implementation decisions. However, most management actions necessary to achieve broad-scale objectives . . . would require further planning and additional decisions. Additional planning would . . . identify specific monitoring and research needs" (PRMP/FEIS page 1-25).

The BLM addressed similar comments made on the DRMP/DEIS, with respect to the Proper Functioning Condition (PFC) assessment as a valid tool and the level of analysis for impacts to riparian resources. These can be found in the PRMP/FEIS Appendix M Public Comments and Responses, and more specifically: "NGO-WWP-Fite-108: The Proper Function Condition (PFC) method is a widely used and accepted method for assessing the condition of riparian areas" (PRMP/FEIS Appendix M: Response Public Comments, Non-Government Organizations, page 300).

NGO-WWP-Fite-109: FLPMA Sec. 202(c) (4) gives BLM the discretion to rely to the extent it is available, on inventory of the public lands, their resources and other values. Alternatives were developed using existing available data. BLM is required under NEPA to provide information in NEPA documents that must be of high quality, possess accurate scientific analysis, and is subject to public scrutiny before decisions are made or actions are taken (40 CFR 1500.1(b)). On the other hand, the purpose of NEPA is not to collect massive amounts of data but to provide data that is accurate and of high quality in order to conduct a detailed analysis of issues that are truly significant to the action in question and to reach an informed decision. The BLM has used available data, information based on professional evaluations and observations and applicable reference materials to support the NEPA analysis. The FEIS includes updated information, revised tables, and figures. (PRMP/FEIS Appendix M: Response Public Comments, Non-Government Organizations, page 300). The current condition of lentic areas is described in the PRMP/FEIS in section 3.2.8: Lentic Systems. This description remains largely qualitative as "an extensive inventory of springs, their condition, and water yield to streams has not been conducted" (PRMP/FEIS, page 3-48).

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### Water Resources

*Number of Submissions: 1*

*Total Number of Comments: 5*

**Issue Number:** PP-NV-Winnemucca-13-09-117

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM has failed to provide detailed current baseline data on water quantity and water quality for all water resources. Known changes in flows, wetted lengths/areas, etc. must be detailed.

How is a "healthy" watershed defined, and which watersheds are healthy? Throughout the EIS, BLM uses loose wording that is never defined, and avoids use of nearly all basic concrete measures and requirements so that

and progress can actually be gauged. There is no real baseline laid out to start with that examines whether or not BLM met the requirements and promises of the MFPs. How many segments of streams have become intermittent, gullied, or dried up altogether? Why is there No Action management under the MFPs? No baseline information is provided.

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**Issue Number:** PP-NV-Winnemucca-13-09-119

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

Many of the mining activities -and now it appears geothermal activities that BLM manages result in changes in, and ultimate depletion, of ground and surface waters. What is the current depletion level? How is expected to change under all alternatives?

How might water export schemes affect this further? Where is a map and analysis of all mine aquifer drawdown areas, and ground water depletion? Of any potential aquifer "mining" water export areas? Of all geothermal developments at present? Expected developments over the next 10-20 years?

Where are all diversions on BLM land, and how do they affect water resources, riparian areas, habitats? How is irrigation affecting aquifers and watersheds? Which watersheds are currently "healthy", and how does gulying, erosion, lowering of water tables, etc. affect perennial surface flows? What is the expected drawdown rate vs. recharge rate for aquifers? WWP Scoping and DEIS comments on springs and seeps, but they have not been adequately addressed. We are concerned that there is no mapping of springs, seeps and remaining perennial areas of flow, as well as seasonal flow areas of riparian systems.

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**Issue Number:** PP-NV-Winnemucca-13-09-127  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM provides no comparative analysis of the MFP-period riparian/wetland community condition and lengths of perennial flows and how this changed under No Action management. There is no baseline of the existing 2013 riparian conditions including springs and seeps, meadows, or changes in perennial

segments, head-cutting and degradation and loss of wet meadows, etc. Since the EIS states existing conditions will be improved, these the details on just what existing conditions are must be fully studied, mapped and delineated.

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**Issue Number:** PP-NV-Winnemucca-13-09-129  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

FEIS 4-130 line 4-3 shows cumulative impacts on lentic resources. It is based on the assumption that any change would benefit water resources" [sic] FEIS at 4-129. There is no scientific basis for such an absurd claim.

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**Issue Number:** PP-NV-Winnemucca-13-09-135  
**Organization:** Western Watersheds Project  
**Protestor:** Katie Fite

**Issue Excerpt Text:**

BLM, without any supporting science, claims its toothless "priority wildlife areas" and special status species management "would have a compounding effect on surface water resource by providing for greater protection or preservation of 3.312 miles of streams". There is no rationale provided for this.

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**Summary:**

The Winnemucca PRMP/FEIS does not contain sufficient baseline data on water resources to make informed decisions. There is a lack of adequate data and information on mining impacts on aquifers, stream flows, springs, and riparian areas. The PRMP/FEIS does not clearly discuss cumulative impacts on lentic resources. The BLM does not clearly rationalize the effect of priority wildlife designations on surface water resources and streams.

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**Response:**

The PRMP/FEIS addresses surface and groundwater conditions of the Winnemucca planning area in Chapter 3 – Affected Environment, 3.2.4 Water Resources (PRMP/FEIS p. 3-22). Figure 3-6 identifies watersheds, while Figure 3-77 identifies the groundwater hydrographic basins in the planning area. The State of Nevada is required to identify impaired water bodies under Section 303(d) of the Clean Water Act. A complete list and status of water bodies can be found in the final 303(d) report for Nevada. Chapter 3, Table 3-6 in the PRMP/FEIS discloses impaired water bodies in the planning area (PRMP/FEIS, pgs. 3-26 to 3-27). Similarly, the conditions of groundwater basins are summarized in Table 3-9 and in the corresponding groundwater section of the Affected Environment of the PRMP/FEIS (PRMP/FEIS, pgs. 3-28 to 3-36).

The impacts to water resources quality from resource/use management direction and impacts of water resource

management direction on resources/uses are appropriately described in Chapter 4 – Environmental Consequences in the PRMP/FEIS.

Regarding the concern of lentic resources, the overall analysis did not indicate any difference in the impacts of the alternatives between the DRMP/DEIS and the PRMP/FEIS. However, the charts in the PRMP/FEIS were added to provide greater clarification of relative impacts among alternatives.

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### Water Rights

*Total Number of Submissions: 5*

*Total Number of Comments: 13*

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**Issue Number:** PP-NV-Winnemucca-13-01-1

**Organization:**

**Protestor:** James Buell

#### **Issue Excerpt Text:**

The BLM suggests that the water must be provided for wild horses, burros and wildlife even if there is no grazing on the allotment. If the water is not maintained it may possibly forfeit use of the allotment. Removal of forage by wild horses will potentially impact grazing use on the allotment. It is not clear whether this new requirement extends to pumped wells or water developments located on unfenced private property.

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**Issue Number:** PP-NV-Winnemucca-13-03-6

**Organization:** DeLong Ranches, Inc.

**Protestor:** John DeLong

#### **Issue Excerpt Text:**

Action CA-WR 3.1, Alternatives A, B, C, and D. Adhere to multiple use principles in the maintenance, use, and development of existing water sources on public land. B-DeLong-6 in Appendix M at page Business-11, 12

Under Nevada water law, each beneficial use requires its own application for diversion and use of waters of the State. Many, perhaps most, existing water sources, have been developed by the Permittees, including DeLong. As written, this provision appears to require that all existing water sources now be given over to all uses, whether or not deemed a "beneficial use" under Nevada water law. This is not legal under Nevada law. This provision also has potential Fifth Amendment takings implications.

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**Issue Number:** PP-NV-Winnemucca-13-03-7

**Organization:** DeLong Ranches, Inc.

**Protestor:** John DeLong

#### **Issue Excerpt Text:**

1 1 Action D-WR 2.2. In accordance with state water law, develop water sources or wells on public lands that can be used for multiple uses, including fire suppression activities. DeLong's Comment 15, which BLM Response splits into B-DeLong-20 in Appendix M, page Business-IS, and B-DeLong-21 in Appendix M, page Business-19.

Under Nevada water law, each beneficial use requires its own application for diversion and use of waters of the State. Many, perhaps most, existing water sources, have been developed by the Permittees, including DeLong. As written, this provision appears to require that all existing water sources now be given over to all uses, whether or not deemed a "beneficial use" under Nevada water law. This provision also has potential Fifth Amendment takings implications. It is also illegal under Nevada water law for BLM to require one who holds a stockwater right to provide water for other uses, whether "beneficial uses" or not.

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**Issue Number:** PP-NV-Winnemucca-13-04-2

**Organization:** Pershing County Natural Resource Committee

**Protestor:** Mike Stremler

#### **Issue Excerpt Text:**

The Winnemucca BLM is in noncompliance with the Wild Horse and Burro Act of 1971. There is no "thriving natural ecological balance". The BLM has no water rights, but are taking the water owned by the Stremlers'. No just compensation has been given to the Stremlers for our water.

**Issue Number:** PP-NV-Winnemucca-13-04-3  
**Organization:** Pershing County Natural Resource Committee  
**Protestor:** Mike Stremler  
**Issue Excerpt Text:**

Also, we are totally against being forced to sign a cooperative agreement which would force us to water wild horses. These cooperative agreements are unlawful. We do not believe the BLM can prove beneficial use on horses as wildlife. State law will not allow it if it is challenged in State District Court. We are well aware of ruling #54889 from the State Engineers office. This ruling had no hearing and was not appealed, and if it had been we believe it would be overturned. Wild horses and burros are defined as livestock after they are gathered and are no longer free roaming. They are brand inspected under the State brand laws as livestock. They are never wildlife. U S Fish and Wildlife has confirmed this with us.

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**Issue Number:** PP-NV-Winnemucca-13-04-5  
**Organization:** Pershing County Natural Resource Committee  
**Protestor:** Mike Stremler

**Issue Excerpt Text:**

Action D-LG 5.5 Is illegal the BLM has no authority to require ranchers to water anything other than livestock. All agreements must be voluntary; the BLM cannot coerce an agreement.

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**Issue Number:** PP-NV-Winnemucca-13-06-10  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

9. Additional Water Regulations: Pershing County has significant concerns with Action D-FW 9.3.1 and 9.3.2 These provisions are potentially detrimental to existing rights of farmers and ranchers. Currently some farmers and ranchers have valid and existing water rights on these water courses. The imposition of a regulation which invades the existing rights by 10% or even 20% stream bank alteration by cattle or equipment may interfere with valid existing rights.

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**Issue Number:** PP-NV-Winnemucca-13-06-15  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

If the plan assumes utilization of private water rights which the BLM has not purchased or obtained, the RMP should be amended or revised to remove the area's designation as an HMA. Currently, no public water is available to most of the HMA's in Pershing County. The RMP needs to be consistent and in compliance with the management handbook. During public hearings, it was shown that Pershing County ranchers are being forced to remove livestock because of the overabundance of wild horses and burros. The wild horses and burros are allowed to consume privately owned water and ranchers are strongly encouraged by the BLM, if not forced, to allow this to happen. No compensation has been given for the privately owned water that these horses and burros are consuming at request of the BLM. BLM's water rights policy 7250 is very clear that "water rights in Nevada are considered real property and are protected as such".

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**Issue Number:** PP-NV-Winnemucca-13-06-18  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

14. Riparian and Wetland: Pershing County protests Action D-LG 1.5. Water is real property in Nevada and is protect by Nevada water law because they are valid existing rights. Water rights must be taken into consideration and access rights on riparian and wetland areas should also be taken into consideration. The RMP assumes that water rights can be appropriated without any application for or grant of such rights.

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**Issue Number:** PP-NV-Winnemucca-13-06-21  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

20. Providing Water To Wild Horses: Pershing County protests Action D-LG 5.4. Action D-LG 5.4 seems to indicate that the RMP

would require a rancher to provide water for wild horses and burros against their will. Such a rule requiring that a rancher water wild horses and burros would be to the financial detriment of the rancher. The RMP should provide for just compensation for such a use of the rancher's equipment, time, and effort. Such a provision without the provision for compensation would create an unlawful burden with no just compensation. This is an area in which there is conflict between the RMP and the Natural Resource Plan.

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**Issue Number:** PP-NV-Winnemucca-13-06-3  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

2. Takings Clause Violations: The Fifth Amendment to the United States Constitution provides that the government may not take private property without just compensation. Pershing County protests because the RME has failed to follow Executive Order 12630, which states that federal agencies are required to prepare a taking implication assessment prior to taking any action, issuing any rule, or making any decision which would constitute a taking of private property or private property interest including investment backed expectation (page 8-85 of Pershing County Natural Resource Plan). In the instant matter, the RMP would impermissibly involve a taking of private water rights. An example of this type of taking could be the closure decision on parcels between Interstate 80 (I-80) and the railroad in Pershing County. Ranchers have developed water rights on parcels between I-80 and the railroad. These water rights generally include wells which have cost thousands of dollars to create on the expectation that they will be used to water cattle on those lands. The lands include checkerboard lands, which would allow for grazing on private lands that intermix with the BLM managed public lands. The regulation imposed by the RMP may interfere with these rights in violation of Executive Order 12630.

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**Summary:**

The Winnemucca PRMP/FEIS does not:

**Issue Number:** PP-NV-Winnemucca-13-06-8  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

7. Interference With Water Rights: In reviewing Action D-VRW 1.1.1, it appears that there has been little consideration of existing state water rights, especially in riparian and wetlands, which are owned and held by farmers and ranchers in Pershing County. Ranchers and farmers have witnessed past conduct in which the BLM has used riparian definitions as a tool to diminish grazing and legal access to water for livestock. Nevada State Law controls water rights within its borders. Nevada State Law acknowledges the point of diversion for a cow to be the cow's nose. This diversion may occur from the primary source of water to the end of a stream. BLM has no authority to regulate water rights granted under Nevada Law. Any diminishment of a farmer or rancher available water should be considered a possible takings and Executive Order #12630 must be followed. Water rights and rights to access water are considered very valuable real property in Nevada. This is an area in which there is conflict between the RMP and the Natural Resource Plan.

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**Issue Number:** PP-NV-Winnemucca-13-4a-4  
**Organization:**  
**Protestor:** Mike Stremler

**Issue Excerpt Text:**

Action D-LG 1.5 Pershing County again points out that water rights must be taken into consideration and access rights on riparian and wetland areas. The BLM must have water right for wildlife or some other beneficial use to maintain a riparian area on stream banks. Water is real property in Nevada and is protect by Nevada water law. Water rights are protected as valid existing rights. If BLM diminishes the value of water rights by disallowing access it will be considered a possible regulatory taking.

- Clearly discuss if the water provisions for horses and burros extends to pumped wells or water resources on unfenced private property.
  - Provide sufficient justification or compensation for the proposed use of water resources to water WH&B on private land.
  - Comply with Pershing County's Natural Resource Plan, existing state water rights, and Executive Order 12630.
- 

**Response:**

General water right concerns were raised by several individuals and were addressed by the BLM during the commenting period for the DRMP/DEIS. Additional language was added to the PRMP/FEIS to indicate that the BLM would be compliant with state water law and many comments to the DRMP/DEIS were responded to using a common paragraph indicating the BLM's requirement to comply with state water law. Actions taken by the BLM must comply with state water law. Incidental use of water developments by wildlife (WH&B are still considered wildlife by the NV State Engineer) would not be considered a taking.

The BLM has provided sufficient analysis in the PRMP/FEIS over concerns about water rights. The proposed water resource management direction, Goal WR, Objective WR-2, (PRMP/FEIS, pg. 2-31) is consistent with the Land Use Planning Handbook (H1601-1), Appendix C, (B) – Soil and Water, – which states, in part, that plans should “[i]dentify...protective measures to meet Tribal, state, and local water quality requirements.” The RMP indicates that management actions do not apply to private land. The Executive Summary and Chapter 2 both identify that the RMP does not apply to private land or is otherwise intended to manage resources on public land. Therefore actions described under Livestock Grazing would not apply to wells or developed water sources on private land.

Actions D-FW 9.3.1 and D-FW 9.3.2 (PRMP/FEIS p. 2-72-73), and D-VRW 1.1.1 (PRMP/FEIS) do not preclude alternative means of access and use of stream water to open, unmanaged grazing (e.g., water gaps, off-stream developments, etc.). Grazing needs to occur in a way that conserves rangeland ecosystem health and function. When a permittee cannot accomplish this, their grazing privileges may be removed. In that case, they have caused the loss of their ability to put water to a beneficial use. This is not a taking.

Action D-LG 5.4 (PRMP/FEIS p. 2-159) starts with "Subject to BLM-acquired water rights..." A cooperative agreement is a project specific action and there is nothing indicating that the BLM would be incapable of providing just compensation. Cooperative agreements go through a separate issuing process at the implementation level and are case/site specific.

The environmental consequences section of the PRMP/FEIS does note that the actions for the BLM's alternatives for water resources aim to “reduce impacts on water resources, promote healthier watersheds and surface waters while allowing for multiple uses, promotes the protection of prior existing water rights for non-BLM water right holders, and provide that any water rights acquired and any water sources developed by the BLM will be restricted to those actions consistent with multiple use.” (PRMP/FEIS, pg. 4-79). Subsequently, in order to achieve objectives under the Sierra Front-Northwestern Great Basin RAC Standards and Guidelines for Rangeland Health, management for livestock grazing has to be modified or adjusted. This includes evaluating and developing water sources for multiple use to disperse livestock utilization patterns (PRMP/FEIS, pg. 4-501).

Additionally, the PRMP/FEIS analyzes fish and wildlife impacts from WH&B management extensively (Winnemucca PRMP/FEIS, pgs. 4-259 to 4-263). In Alternative D, for example, the BLM's management actions for WHB management would include acquiring water rights, if necessary, and in accordance with Nevada State water law. (PRMP/FEIS, pgs. 4-262 to 4-263).

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## Mining

Total Number of Submissions: 1

Total Number of Comments: 1

**Issue Number:** PP-NV-Winnemucca-13-09-133

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

## **Issue Excerpt Text:**

BLM only looks at volume of water lost from evaporation from mine impoundments, not at aquifer drawdown effects that kill surface spring and stream flows, and not at cumulative effects of mining activity.

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## **Summary:**

The FEIS fails to address aquifer drawdown effects and cumulative effects related to mining activity.

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## **Response**

Mining activity may produce aquifer drawdown effects, but that is not an inevitable consequence of mining. These activities would require greater analysis during project level analysis prior to permitting in order to determine drawdown effects. Direct, indirect, and cumulative impacts on the human and natural environment in terms of environmental, social, and economic consequences projected to occur from implementing the proposed alternatives were presented in the PRMP/FEIS. Assumptions for the analysis are listed in the front of Chapter 4.

Analyses associated with infrastructure development, including energy generation and transmission, grazing, mining, oil and gas operations, and most other resource-related actions and potential associated environmental impacts, including direct, indirect and cumulative effects analyses related to a wide range of both organic and inorganic resources, are the subjects of project-implementation-level NEPA analyses. The PRMP/FEIS does not address mitigating potential environmental effects of possible future actions related to historic use of public lands in the Winnemucca District. Any and all future project proposals will require full NEPA analyses and include appropriate treatment of mitigation measures and stipulations applicable to the specific permitted activity on public lands.

Various related multiple use decisions issued by the Winnemucca District as well as surrounding areas indicate the potential for significant and cumulative impacts to underground aquifers and water sources due to draw down. See Objective D-WR2 (PRMP/FEIS p. 2-31). This action is an implementation level decision, not an RMP level decision. During the implementation level planning process a separate public involvement and NEPA analysis will be conducted.

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## Socioeconomics

Total Number of Submissions: 1

Total Number of Comments: 1

**Issue Number:** PP-NV-Winnemucca-13-09-151

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

## **Issue Excerpt Text:**

The economic analysis is greatly flawed, and fails to consider the costs of the resource exploitation activities such as livestock grazing allocations that are authorized under the RMP. See Moskowitz and Romaniello 2002

[http://www.biologicaldiversity.org/publications/papers/assessing\\_the\\_full\\_cost.pdf](http://www.biologicaldiversity.org/publications/papers/assessing_the_full_cost.pdf) for example. It also fails to address the need for, and costs of restoration actions – to sage-grouse, pygmy rabbit or other sensitive species habitats or damaged waters and watersheds. These are needed due to livestock grazing, mining, energy development and other degradation and the need for restoration will increase

under the RMP's minimal protections. It fails to address the costs of alternative uses forgone, or of restoration of habitats for sensitive and important

species populations once they are at very low levels or wiped out altogether.

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**Summary:**

The Winnemucca PRMP/FEIS contains flawed information with regard to its economic analysis. The PRMP/FEIS does not consider the costs of resource use activities such as livestock grazing allocations on other resources. Likewise, the economic analysis does not address the need for, nor clearly discuss the costs of restoration actions on, the habitats or watersheds for sensitive species.

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**Response:**

Planning criterion 2 (PRMP/FEIS page 1-12) states that the scope of analysis will be consistent with the level of analysis in approved plans and in accordance with the BLM standards and program guidance.

The socio-economic analysis is consistent with the level of analysis for RMPs as required in BLM Handbook H-1601-1. The PRMP/FEIS addresses socioeconomic effects of the RMP alternatives on tribal, public health and safety, and environmental justice conditions in PRMP/FEIS pages 4-770 to 4-826. Additionally, the Winnemucca Resource Management Plan Socioeconomic Report (Appendix H) contains a summary data at the appropriate level of detail required for a programmatic analysis of socioeconomic effects across a broad planning area for all resource programs administered by the BLM.

Analysis of livestock grazing effects on social and economic conditions is analyzed on pages 4- 808 through 4-811 of the PRMP/FEIS. Data used in the analysis derives from tax dollars and receipts based on authorized grazing permits as reflected in the Socioeconomic Report (Appendix H). A baseline of livestock grazing and rangeland management conditions is evaluated in Appendix H ( pgs. 2-35 to 2-40).

Additionally, the Winnemucca Resource Management Plan Socioeconomic Report discusses the socioeconomic impact of grazing management. (PRMP/FEIS, Appendix H, pg. 4-3).

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**Anti-Deficiency Act**

*Total Number of Submissions: 3*

*Total Number of Comments: 3*

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**Issue Number:** PP-NV-Winnemucca-13-05-1

**Organization:**

**Protestor:** Jim Estill

**Issue Excerpt Text:**

Protest period should be extended. I have not had access to the RMP all this week. No one has returned calls or emails from the BLM Winn this week.

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**Issue Number:** PP-NV-Winnemucca-13-06-2

**Organization:** Pershing County Commissioners

**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

The Federal Government shut down the field offices for the BLM in Winnemucca, Nevada. This shutdown had a direct impact on Pershing County's ability to discuss the RMP with the BLM. The shutdown deprived Pershing County of the opportunity to ask questions and coordinate with BLM on obvious inconsistencies between the Pershing County Natural Resources Plan and the Winnemucca BLM RMP.

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**Issue Number:** PP-NV-Winnemucca-13-09-157

**Organization:** Western Watersheds Project

**Protestor:** Katie Fite

**Issue Excerpt Text:**

We also Protest BLM taking down web links to Instruction Memoranda, policy documents, scientific documents, its NEPA planning register that shows the battery of recent harmful grazing, livestock

facility, mining and other proposals, and all the information related to the RMP due to the government shutdown. This handicaps full and informed Protest and comment on the RMP.

**Summary:**

The BLM should have extended or reopened the protest period due to the Federal government shutdown, which blocked public access to important policy and scientific documents and hindered meaningful review of the PRMP/FEIS.

**Response:**

The BLM adequately addressed and compensated for the impacts of the Federal Government shutdown, which occurred from October 1 - October 16, 2013, on the public's ability to meaningfully protest the Winnemucca PRMP/FEIS. As noted by protesting parties, not only were offices closed but websites as well, which limited the availability of information. The Notice of Availability of the Proposed Winnemucca District Resource Management Plan and Final Environmental Impact Statement, Nevada was published in September 2013; the protest period was originally scheduled to close on Oct. 7. The BLM extended this an additional 7 days starting Oct. 22 until Oct. 29, 2013. By this action, the BLM allowed adequate time to the public to compensate for the shutdown of government offices and websites.

**Valid and Existing Rights**

*Total Number of Submissions: 1*  
*Total Number of Comments: 2*

**Issue Number:** PP-NV-Winnemucca-13-06-13  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Number:** PP-NV-Winnemucca-13-06-11  
**Organization:** Pershing County Commissioners  
**Protestor:** Darin Bloyed

**Issue Excerpt Text:**

11. Bats: Pershing County has signification concerns and protests Action SSS 1.4.3 alternative A and D, relating to bats. The Plan seeks to protect bats which have colonized man made mine shafts such as in Jersey Canyon. These bats may have colonized existing and active mining claims in these areas. Pershing is opposed to restricting valid existing rights. Furthermore, this is an area in which there is conflict between the RMP and the Natural Resource Plan.

**Summary:**

The Winnemucca PRMP/FEIS contains stream right-of-way policies and plans in Alternative D that conflict with Pershing County's Natural Resource Plan. Also, the protections for bats, which may have populations in existing or active mine claims in the region, place restrictions on valid existing rights.

## Response

The BLM discloses in Section 1.6 that the PRMP recognizes valid existing rights (PRMP/FEIS, pg. 1-12). The actions that are noted by the protester are a component of the goal of the PRMP/FEIS to protect, restore, maintain, or improve habitat for fish and other aquatic organisms. Furthermore, Objective D-FW 9 states that the PRMP/FEIS seeks to “improve and maintain the condition of all aquatic habitats containing perennial streams at a level conducive to a healthy aquatic community” (PRMP/FEIS, pgs. 2-70 to 2-71). Under the environmental analysis chapter, the PRMP/FEIS goes on further to state that the effects from fish and wildlife management on transportation and access for Alternative D would involve mitigation measures and use restrictions for public access and use on BLM roads (PRMP/FEIS, pg. 4-623). The analysis of impacts from fish and wildlife management to mineral resource development and socio economics was addressed starting on PRMP/FEIS pages 4-553 and 4-800, respectively. In BLM's Response for L&SA-PCBCC-2, it was noted that the "BLM adheres to FLPMA 202(c)(a) with respect to local plan consistency. The BLM is required to ensure that RMPs developed under FLPMA are consistent with state and local land use plans only if consistent with federal law." (PRMP/FEIS, Appendix M, pg. Local & State Agencies - 29). As stated earlier, the PRMP/FEIS notes that valid existing rights will be recognized. Additionally, while Action SSS 1.4.3 (for Alternatives A and D) does discourage mining-related activities within a range of occupied habitat, the action also states that the mitigation measures should be considered in the event that mining-related activities cannot avoid bat habitat (PRMP/FEIS, pg. 2-90). The BLM acknowledges that the restrictions would result in less available land for mining activities and that greater operational costs could result (PRMP/FEIS, pg. 4-555). After a plan is approved or amended, and if otherwise authorized by law, regulation, contract, permit, cooperative agreement or other instrument of occupancy and use, the Field Manager shall take appropriate measures, subject to valid existing rights, to make operations and activities under existing permits, contracts, cooperative agreements or other instruments for occupancy and use, conform to the approved plan or amendment within a reasonable period of time. Any person adversely affected by a specific action being proposed to implement some portion of a resource management plan or amendment may appeal such action pursuant to 43 CFR 4.400 at the time the action is proposed for implementation. 43 CFR 1610.5-3 (b).

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### RS2477

*Total Number of Submissions: 1*

*Total Number of Comments: 1*

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**Issue Number:** PP-NV-Winnemucca-13-06-22

**Organization:** Pershing County Commissioners

**Protestor:** Darin Bloyed

#### **Issue Excerpt Text:**

21. Requiring FLPMA Right of Ways: Pershing County protests Action D-TA 2.2. The RMP should clearly indicate that while Pershing County may sign to have a FLPMA right of way on any county road that was in existence before 1976, such an agreement must be reached with the consent of Pershing County. Pershing County has already gone on record that it

claims certain roads and has submitted a map from the 1950's of all RS2477 right of ways that Pershing County Claims to have had since the 1950's. These are valid existing rights. This is an area in which there is conflict between the RMP and the Natural Resource Plan that can be easily resolved.

22. Requiring Pershing County To Give Up Self Rule: Pershing County protests Action D-TA 4.1. As an independent governmental entity, Pershing County retains the right to manage its public roads. To the extent that the RMP gives BLM exclusive decision making authority to close Pershing County Public Roads, Pershing County objects. The RMP should provide that, only after coordination and review, will Pershing allow road closures by BLM. Police powers are left to the state and local government, not the BLM. This is an area in which there is conflict between the RMP and the Natural Resource Plan.

**Summary:**

- The BLM does not have the authority under RS 2477 to require FLPMA ROWs or close Pershing County roads.
  - These actions in the PRMP do not conform to the Pershing County Natural Resource Plan.
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**Response:**

As discussed in the PRMP/FEIS, the decisions in this PRMP are subject to valid existing rights [Section 1.6 Planning Criteria and Legislative Constraints #6, p. 1-12]. In this planning process, the BLM has not administratively determined the validity of any R.S. 2477 claim. Further, no R.S. 2477 claims referenced by the protestor in this planning area have been adjudicated by a court. Thus, the issues the protestor raised related to R.S. 2477 are outside the scope of BLM's land use level decision-making for this RMP.

Terms and conditions applicable to grants for BLM ROWs, including ROWs for roads, are identified in the "Rights of Way under the Federal Land Policy and Management Act (FLPMA)" regulations, Subparts 2805 §2805.10 and 2805.12. Furthermore, PRMP/FEIS Appendix O. Winnemucca District Rights-of-Way – Special Stipulations/Terms or Conditions, states: "The Winnemucca RMP has identified lands where ROWs should be avoided or may be available for location of ROWs with special stipulations to minimize adverse impacts to important and sensitive wildlife habitat areas. These areas are identified as ROW avoidance areas." (See PRMP/FEIS Appendix A, Figure 2-60).

Regarding the issue of plan conformance, this issue was raised during the commenting period for the DRMP/DEIS. BLM responded to these comments by stating: BLM adheres to FLPMA 202(c)(a) with respect to local plan consistency. BLM is required to ensure that RMPs developed under FLPMA are consistent with state and local land use plans only if consistent with federal law. See, for example Section 5 above.

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**Wild and Scenic Rivers**

*Total Number of Submissions: 1*

*Total Number of Comments: 1*

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**Issue Number:** PP-NV-Winnemucca-13-07-36

**Organization:** Nevada State Grazing Board N2 District

**Protestor:** Don Jones

**Issue Excerpt Text:**

This action proposes to implement use restrictions relating to Wilderness Study Areas (WSAs), priority wildlife habitat, or watershed management use

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restrictions along National Wild & Scenic River System (NWSRS) eligible river segments. However, on Page 2-12 of the PRMP it is disclosed, "None of the evaluated segments are suitable under the Wild and Scenic River Act". If this later statement is correct, why are added use restrictions being proposed under the Proposed RMP? At the minimum, these statements are contradictory and serve to confuse the reader during the public review and protest of this document. Further, the specific federal actions that will be implemented D-WSR 1.1, and their effects on permitted livestock grazing, are not clearly specified in Chapter 2 or analyzed in the FEIS. These findings represent a compliance and disclosure issue under NEPA requirements.

**Summary:**

The PRMP and FEIS do not clearly specify the federal actions related to implementation of Action D-WSR 1.1 and its effects on permitted livestock grazing. The information on p. 2-275 is confusing and contradictory.

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**Response:**

Chapter 3, Section 3.4.2 Wild and Scenic Rivers, starting on PRMP/FEIS p. 3-153, identifies stream segments within the Winnemucca District that are considered eligible for inclusion in the National Wild Scenic Rivers System. This section also describes the basis for the determination as follows: "The outstandingly remarkable values of these river segments and land use along these rivers are described in detail in the Wild and Scenic River Report (BLM 2006b). The NWSRS eligible segments of Washburn Creek and Crowley Creek fall within Priority Habitat and Priority Watersheds as defined in this RMP. The entirety of the NWSRS eligible North Fork of the Humboldt River segment falls within the North Fork of the Little Humboldt River WSA. The North Fork of the Little Humboldt River segment flows through the Little Owyhee and William Stock Allotments. Washburn Creek segments flow through the Jordan Meadows and Washburn Allotments. Crowley Creek segments flow through the Jordan Meadows and Crowley Creek Allotments." (PRMP/FEIS p. 3-154).

Action D-WSR 1.1 (PRMP/FEIS p. 2-275) does not propose to implement "added" use restrictions related to WSAs, priority wildlife habitat, or priority watersheds. Each of the stream reaches determined to be eligible for inclusion in the NWSRS falls in areas that would be managed for either existing WSAs (the North Fork of the Little Humboldt River) or for proposed priority habitat and/ or priority watersheds (Washburn and Crowley Creeks). Management of priority habitat and priority watersheds is proposed under other resources within the RMP. The goals and actions related to the management of those areas are described in the appropriate sections. The statements referenced in the comment are not contradictory. The eligible segments would be conserved through the actions related to other resources which would lead to a determination of non-suitability of the eligible segments. With that, no additional protections specific to the eligible streams would occur as a result of the eligibility itself. A complete discussion of the Wild and Scenic River study process and evaluation of WD streams is located in Appendix G.

Additionally, the effects of permitted livestock grazing related to Wild and Scenic Rivers are addressed in Chapter 4, section 4.4.2 (PRMP/FEIS p. 4-676). Specific implementation actions related to livestock grazing would be considered on a case by case basis consistent with meeting standards for rangeland health and the goals and objectives of the PRMP.

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**Tribal Interests**

*Total Number of Submissions: 1*

*Total Number of Comments: 1*

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**Issue Number:** PP-NV-Winnemucca-13-02-2

**Organization:** Summit Lake Paiute Tribe

**Protestor:** Randi DeSoto

**Issue Excerpt Text:** The Bureau of Land Management's (BLM) RMP and FEIS for managing public lands administered by the Winnemucca District in northern Nevada fails to adequately address issues raised by the Tribe as to specifically

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identifying certain BLM lands consisting of approximately 841 acres that are of critical environmental and cultural concern to the Tribe. Our understanding from Mr. Gene Seidlitz (District Manager of the Winnemucca District) and associated Winnemucca District staff was that these lands in Township 42 North, Range 25 East, Sections 35 and 36 would be identified for administrative transfer to the Tribe. While the Final RMP was modified to provide that said BLM lands would be "eligible for transfer to the Bureau of Indian Affairs or Summit lake Tribe", the language in the RMP (Chapter 2: Page 2-255) is predicated on "Congressional approval".

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**Summary:**

The PRMP fails to adequately address issues related to the transfer of approximately 841 acres that are of critical environmental and cultural concern to the Summit Lake Paiute Tribe.

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**Response:**

The BLM does not have authority to directly administer the transfer of lands to tribes. Congressional action is required to transfer BLM lands to the Bureau of Indian Affairs (BIA) for reservation expansion. Any lands in the area of the Summit Lake Reservation designated as suitable for disposal or trade would be available for private acquisition as well as Tribal or BIA acquisition.

Lands in question by the protesting party, Township 42 North, Range 25 East, Sections 35 and 36 are specifically addressed in PRMP/FEIS Chapter 2: Table 2-1 Lands and Realty. Alternative D, (p. 2-255). Also, PRMP/FEIS Appendix P: Winnemucca Resource Management Plan Legal Description for Lands Suitable for Disposal or Exchange (p. P-14).

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