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Working to protect and restore Western Watersheds

May 4, 2009

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Sent via U.S. and electronic mail on May 4, 2009

RE: Comments on the Standards and Guidelines Assessments for 8 allotments: Anvil, Rose Tree, Newman Peak, Brunchow Hill, Diamond Bell, 3Brothers, Arivaca, and Fresnal Canyon.

Dear Kristen,

Thank you for providing our offices with copies of an the opportunity to comment on the Standards and Guidelines assessments (S&Gs) for the Anvil, Rose Tree, Newman Peak, Brunchow Hill, Diamond Bell, 3Brothers, Arivaca, and Fresnal Canyon allotments. We Here, we offer preliminary comments on the S&Gs on behalf of our staff and members who care about the management of public lands, including in particular the public lands affected by these analyses.

The purpose of the standards and guidelines assessment is determine whether or not allotments are meeting the fundamentals of rangeland health, the guiding principles and standards that address the ecological integrity of public lands in the face of multiple uses. The authorized officer is to review livestock use, AMPs, and existing management in context of monitoring records, assessments, and site-specific knowledge to determine whether allotments are meeting or making significant progress towards meeting the fundamental indicators of rangeland health. The purpose of the S&G review is not merely to fill the files, have a basis for rubber-stamping permit renewals, or to document *pro forma* compliance with federal laws. It is supposed to be a meaningful review of myriad ecological indicators in order to determine that no undue harm is being wrought. Here, we do not believe that the BLM has met the letter or spirit of the requirements of these determinations. It is unfortunate, and it undermines the trust of the American public, the ultimate owners of these lands.

The current S&G reports are insufficient to fulfill the agency's obligation to take a hard look at the environmental consequences of any proposed action as well as a range of alternatives. NEPA requires that the agencies "Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated and devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits. 40 C.F.R. 1502.14. In the case of these allotments, the BLM must provide a full analysis of a reduced grazing and no grazing alternatives, as well as a cumulative effect analysis of the proposed action for each allotment in context of the others. By "full analysis," we mean a complete and thorough environmental analysis, pursuant to the requirements of NEPA. As we have cautioned the BLM numerous times, merely tiering grazing

decisions to stale and grossly outdated EISs and RMPs through Determinations of NEPA adequacy is not only insufficient, it is very likely illegal. *See* Idaho Watersheds Project v. Hahn, 306 F.3d 815 (9th Cir. 1997)

Here, as we share our concerns about the all eight of the Tucson FO S&G assessments, we will also provide comments on what must be disclosed and analyzed in the EA. We are simply going to assume that the BLM will either initiate a comprehensive and programmatic EIS or will complete site-specific EAs for Anvil, Rose Tree, Newman Peak, Brunchow Hill, Diamond Bell, 3Brothers, Arivaca, and Fresnal Canyon allotments. These site-specific assessments should consider the best available evidence that livestock have profound and deleterious effects on native ecosystems. *See* Fleischner 1996 and Jones 2000, for starters.

The Anvil Ranch allotment (#6100) contains habitat for the Pima pineapple cactus and, as such, grazing on this allotment must conform to the terms of the 1997 Biological Opinion. The S&G states that the BLM portions of the allotment do not contain suitable habitat for the Pima Pineapple cactus. S&G at 5. The Biological Opinion states that the Bureau must survey the allotment for Pima pineapple cactus. BiOp at 47. The BLM is also supposed to develop an interdisciplinary activity plan for the Baboquivari and Coyote Wilderness Areas. BiOp at 47. It is not clear that this has happened or that any on-the-ground management changes have been implemented. The "Baboquivari RCA special management area" is listed as a special designation for the allotment, but no establishment date or management specifications are provided. S&G at 7.

The S&G admits that the biotic integrity of the allotment is impaired due to invasion by mesquite, broom snakeweed, prickly pear, and Lehmann lovegrass. The S&G attributes this to fire suppression. S&G at 11. The BLM should consider the scientific evidence that links livestock grazing with the spread of mesquite. Bahre and Shelton 1993. The S&G admits that Lehmann's lovegrass has invaded the lower portions of the site around the stock tank. S&G at 3. Thus, the BLM's own S&G determination indicates that the agency needs to proposed some management intervention to prevent the biotic integrity of the site from moving any further towards degradation.

The Anvil allotment is categorized as a "maintain" allotment, implying that BLM "checks these grazing allotment to insure that utilization on public lands is not excessive, that range condition and trend are being maintained, and that applicable regulations are being followed. If utilization is found to be excessive or range trend to be down, BLM will work with the operator to adjust livestock numbers on the total grazing unit." S&G at 3. Here, the BLM has merely insured against ever having to make adjustments. By failing to conduct any quantifiable monitoring such as pace frequency, dry weight rank, point cover, line intercept, utilization, or actual use, the BLM has not only failed to meet its own management criteria for the allotment, but has failed to demonstrate and trend. S&G at 9. At a minimum, the BLM should be included <u>actual</u> use data in the S&G determinations to indicate whether the determinations reflect use or non-use of the allotment.

The carrying capacity of the Arivaca allotment (#6003) must be determined before any grazing permits are authorized. The current authorization on the Arivaca allotment is 1 AUM per 4.8 acres. S&G at 2. The BLM has not demonstrated though any quantifiable measure that this stocking rate is appropriate. The BLM has no pace frequency, dry weight rank, point cover, line intercept, utilization, or actual use data to demonstrate that livestock levels are appropriate for this allotment. S&G at 9. The Eastern Arizona Grazing EIS "analyzed" grazing on the Arivaca allotment which contained 44,449 acres. EIS at 75, Appendix I. The S&G states that there are 12,703 acres total. S&G at 2. Revised

allotment boundaries should trigger a new environmental assessment and a carrying capacity analysis based on vegetation and water resources, as well as base property sufficiency.

The Arivaca allotment also contains habitat for the Pima pineapple cactus and, as such, grazing on this allotment must conform to the terms of the 1997 Biological Opinion. The S&G states that the BLM portions of the allotment do not contain suitable habitat for the Pima Pineapple cactus. S&G at 5. This is a clear error that must be remedied in future documents. The Biological Opinion specifies that allotments will be surveyed and if Pima pineapple cactus is found within a custodial allotment, the allotment will be reclassified. BiOp at 48. It is not clear whether these surveys have been conducted and whether or not the cactus has been encountered. The BLM neglected to take this species seriously in the S&G; this should be rectified in any forthcoming documents.

The Arivaca allotment has experienced serious changes in area demographics, border impacts, invasive species, and socio-economics of the local area since the RMP permitted livestock grazing on this allotment. A new analysis should be completed which situates this allotment within the contemporary context of cumulative impacts.

The BLM claims that allotment case files contain information on range developments and congregation areas. S&G at 8. The S&G should identify the proximity of the single rangeland health assessment to any of these congregation areas.

The S&G admits that the biotic integrity of the allotment is impaired due to invasion by mesquite, broom snakeweed, catclaw acacia prickly pear, and Lehmann lovegrass. S&G at 9. The S&G attributes this to fire suppression. S&G at 9. The BLM should consider the scientific evidence that links livestock grazing with the spread of mesquite and other invasive infestations. Bahre and Shelton 1993, Belsky and Gelbard 2000. The viability of habitat for Pima pineapple cactus and foraging species for lesser-long nosed bats depends on the reduction in threats posed by increased fire frequencies of non-native species. BiOp at 239. The reasonable and prudent measures of the BiOp include grazing the allotment In a manner so as to protect and enhance the forage base of the lesser long-nosed bat. BiOp at 243. The BLM's own S&G determination indicates that the agency needs management intervention to prevent the biotic integrity of the site from moving any further towards degradation for the sake of rangeland health and imperiled species' habitats. Further, because jaguar depend on dense, low vegetation in riparian and xero-riparian corridors being maintained, the S&G should have analyzed an area within this habitat type to ensure that the allotment's habitat is being maintained. It did not, and thus the S&G fails to wildlife habitat.

There is absolutely no authority to renew grazing use on the Brunchow Hill (#5251) allotment. This in the only BLM-managed land within the entire San Pedro Riparian National Conservation Area that authorizes livestock grazing, and there is absolutely no reason to do so. The San Pedro Riparian Management Plan EIS excluded livestock from the entire San Pedro Riparian National Conservation Area for the life of the plan. SPRMP at 9. The Safford RMP incorporated the decisions of the San Pedro RMP with the exceptions of allotment grazing on 6521 acres of newly acquired land only for the term of the leases. Safford RMP at 24. It is not clear if the Brunchow Hill allotment is part of the 6521 new acres, but in any case, there is no evidence that a grazing permit should be reauthorized without a hard look at the effects it may be having on the special and irreplaceable resources of the San Pedro River. The Biological Opinion states, "At the end of the fifteen year moratorium on livestock grazing [within the broader SPRNCA], a decision will be made to continue the exclusion of livestock or to permit grazing under certain terms and conditions." BiOp at 31. This decision has not yet been made,

and the BLM should not be preparing proposed decisions to reauthorize grazing in advance of that. The S&G recommends issuing a ten year grazing permit. S&G at 12. The BLM has no authority to do this under the current RMPs.

The Biological Opinion identifies the allotment as being in the "improve" category. BiOp at 17. It also states the BLM will work with private landowners to ensure that livestock will be excluded from the riparian zone of the SPRNCA. BiOp at 52. The S&G does not include this as a term or condition, nor does it indicate whether this has occurred. In fact, the evidence points to the contrary, since livestock grazing is considered one of the reasons that that river is functioning at risk with a downward trend. S&G at 11.

The BiOp also states that the Bureau will take action to ensure an upward trend on "improve" allotments in poor or fair condition. BiOp at 52. The entire Brunchow Hill allotment is in poor to fair condition. BiOp at 43. The S&G provides no evidence that it is monitoring the allotment in any way that would provide for any type of trend determination. There is no quantifiable monitoring occurring at all. S&G at 7. The only quantifiable monitoring is the downward trend on Reach 7 of the San Pedro River within the allotment, which is partially attributed to livestock use. S&G at 11. Still, the S&G determines that this allotment is meeting Standard 2. This is unsupported by the evidence in the S&G.

The Biological Opinion also states that an AMP will be completed for this allotment in 1999, and implemented by 2001. BiOp at 52. The S&G makes no mention of whether there is an AMP for this allotment, much less whether it is being followed. Understanding the management of the allotment is critical for determining whether the rangeland health assessment has captured the conditions of the allotment as they related to grazing.

The only specific mention of the #5251 allotment in the Eastern Arizona Grazing EIS has a different acreage and is classed "custodial." EIS at 74. Thus, there is no current analysis to which this decision can be tiered- even if one ignores the provisions of inclusion in the SPRNCA- and the BLM must do a complete NEPA process before reauthorizing the permit.

The S&G briefly mentions the invasive plants on the allotment. The forthcoming NEPA analysis should take a hard look at the impacts livestock may be having by facilitating these infestations. *See above.*

The Diamond Bell allotment (#6204) has not been sufficiently monitored to support the determinations of the S&G. The BLM appears to believe that the "custodial" designation exempts it from conducting thorough and consistent monitoring. It does not. The custodial designation includes provisions for the BLM to check these allotments, "to insure that utilization on public lands is not excessive, that range condition and trend are being maintain, and that applicable regulations are being followed. If utilization is found to be excessive or range trend to be down," the BLM will impose management changes. In the case of the Diamond Bell allotment, the BLM has neither utilization data nor any quantifiable monitoring to support a trend determination. S&G at 9. The determinations are not even tiered to actual use, which would at least indicate whether the determinations of rangeland health reflect us or non-use.

This is particularly concerning because the Diamond Bell allotment contains suitable habitat for the Pima pineapple cactus. BiOp at 49. The Biological Opinion stated that the BLM would inventory all allotments within suitable habitat. BiOp at 47. The S&G states merely that Pima pineapple cactus on

the allotment has not been documented. S&G at 6-7. It is not clear whether it has not been documented because it has not been looked for, or whether surveys did not find this species. We have personally seen PPC on this allotment. The Biological Opinion states that finding this species in an allotment would trigger reclassification from custodial to improve or maintain. The Biological Opinion also states that the BLM will work for a long-term upward trend on custodial allotments. BiOp at 48. The BLM must take a hard look at the effects of livestock grazing on this species.

The Fresnal Canyon (#6022) allotment merits a "hard look" of a full NEPA process. This allotment contains habitat for the desert tortoise and myriad other federal and state species of concern. The rangeland health assessment does not sufficiently address the habitat components these species rely upon. Again, the BLM appears to believe that the "custodial" designation exempts it from conducting thorough and consistent monitoring. It does not. The custodial designation includes provisions for the BLM to check these allotments, "to insure that utilization on public lands is not excessive, that range condition and trend are being maintain, and that applicable regulations are being followed. If utilization is found to be excessive or range trend to be down," the BLM will impose management changes. In the case of the Fresnal Canyon allotment, the BLM has neither utilization data nor any quantifiable monitoring to support a trend determination. S&G at 9. The determinations are not even tiered to actual use, which would at least indicate whether the determinations of rangeland health reflect us or non-use. It is unbelievable that the BLM doesn't have actual use data for its allotments, since this is what generates annual bills.

It is unclear why we are being directed to "Table 6" for a summary of assessments on the Ramirez allotment, since we are ostensibly reading the S&G for the Fresnal Canyon allotment. S&G at 9. It calls into question the determinations; were they also cut and pasted?

The S&G states that a DNA will be completed for this allotment. For these and other reasons, we strongly caution against that.

The Newman Peak (#6000) allotment appears to never have been analyzed or authorized for livestock grazing. The S&G alleges that livestock grazing on the Newman Peak allotment is authorized under the Eastern Arizona Grazing EIS of 1986. S&G at 9. The Eastern Arizona Grazing EIS makes no mention of the Newman Peak allotment by name or number. The Phoenix RMP designates the Picacho Mountains RCA but does not mention livestock grazing or grazing management. RMP at 18, 24. The allotment does not show up on the federal lands Geocommunicator database. There is no consultation for this allotment either; the Safford/Tucson grazing Biological Opinion does not apply to any allotments named Newman Peak or numbered "6000." Carrying capacity has never been established and there is no record of the range developments, water withdrawals, or riparian areas this allotment entails. It is therefore not clear under what authority the BLM is proposing to authorize livestock grazing on this allotment, but it is abundantly clear that grazing on this allotment has never had the requisite "hard look" and that "the appropriate level of NEPA" will be a full and complete EIS with the appropriate biological consultations.

This allotment is also prime habitat for the desert tortoise and, as such, merits the full analysis of the NEPA process. The allotment is subject to the objectives of "Desert Tortoise Habitat Management on the Public Lands: A Rangewide Plan," which requires ensuring that livestock use is consistent with category goals, objectives and management actions of the plan, including limiting, precluding, or deterring livestock use as documented in site-specific plans. The allotment is within the Picacho Mountain Resource Conservation Area Special Management Area. S&G at 6. The existing monitoring-

which consists entirely of qualitative indicators and no actual monitoring data- is insufficient to demonstrate that grazing is appropriate on this habitat. We are extremely concerned with the habitats for this species and we petitioned for its listing under the Endangered Species Act in fall of 2008.

The Rose Tree (#6043) allotment monitoring data are already out of date. The only quantitative monitoring data for this allotment- the pace frequency, dry weight rank, and point cover- are already six years old. S&G at 8. The S&G asserts that ground cover was a seventy percent. S&G at 11. The two field data sheets show 15 and 29 percent live basal cover. S&G at 15, 16. These data were gathered in February, but there is no indication of how this relates to the pasture rotation or management of the allotment. Moreover, these data were collected before the Las Cienegas Management Plan was in place. The Las Cienegas plan lists the grazed acres as 3,550 and the ungrazed as 400 acres. LCRMP at 25. The S&G makes no mention of the ungrazed acres and lists the entire 3950 acres as BLM rangeland. The S&G also does not compare the effects of grazing to any exclosures, making it impossible to determine compliance with the LCRMP. This clearly must be reconciled and grazing use adjusted before the permit is reauthorized. The terms and conditions of the permit must contain information about the location and extent of exclosures, as well as incorporate the other terms and conditions of the LCRMP. LCRMP at 67-68. The LCRMP also states that the BLM will develop a grazing management plan for this allotment. LCRMP at 56. The S&G does not indicate whether this has been done. The recommendation to issue a ten-year grazing permit does not comply with the terms of the LCRMP.

The Biological Opinion for the management of the Rose Tree allotment within the Las Cienegas RMP explicitly limits the utilization of perennial grass species to 35 percent. BiOp at 47. It also recommends adjusting the livestock grazing rotation and utilization to achieve the watershed cover required in the upland vegetation objective. BiOp at 47. These objectives are pasted below:

1. Desired Plant Communities--Maintain or achieve properly functioning upland condition and a high similarity index (> 50%, by weight) to the historic climax plant community present on the site on 80% or more of the ecological sites in the Sonoita Valley by the year 2015.

2. Desired Ground Cover--Maintain or achieve the following ground cover on 80% or more of the ecological sites in the Sonoita Valley by the year 2015: Within Major Land Resource Areas 41-1 and 41-3, maintain or achieve ground cover in woodland communities in excess of 60% (<40% exposed soil surface), in grassland communities in excess of 70%, and in shrubland communities in excess of 40%.

The weak S&G assessment provides no confidence that this is the current trend.

The Three Brothers (#5232) allotment must be analyzed in context of its effects to the San Pedro River. This allotment is within the SPRNCA. S&G at 4. As with the Brunchow allotment (above), the BLM has no authority to renew livestock grazing permits on these lands because there has never been grazing management specified pursuant to the designation of the SPRNCA.

The Eastern Arizona EIS identifies the "5232" allotment as having 2201 acres, with 90 percent of those in poor condition. The BLM AUM are 127. EIS at 73. This is totally different the numbers listed in the S&G. The Biological Opinion for the Safford/Tucson grazing program lists this allotment as

having 2731 acres (the vast majority in poor condition) and an AUM of 192. BiOp at 17. The S&G lists 196 AUM. It is therefore totally unclear that carrying capacity was ever determined for this allotment, and if so, what it was based on. It is also totally unclear how the Three Brothers allotment went from being in overwhelmingly poor condition to having no concerns about soils or vegetative resource concerns, as the S&G alleges. S&G at 9-10. We're unconvinced. The lack of live vegetation (a mere 5 percent) is not sufficient to protect the watershed and wildlife habitat values. S&G at 11.

For all of the allotments, the BLM must honestly analyze and disclose the carrying capacity of this allotment, as required by the Federal Lands Policy and Management Act. Because the BLM has no actual use data, it is impossible to correlate current conditions with the grazing management of these allotments, and therefore the permitted levels have not been demonstrated to be sustainable or appropriate. The BLM should provide the ecological and productivity basis for any permitted numbers of livestock it is proposing for reauthorization on these allotments.

For all allotments, the BLM must provide an actual carrying capacity analysis. Tiering to the Eastern Arizona Grazing Final EIS is grossly insufficient for permit renewal. The EIS is already out of date and, worse, it merely *assumed* that livestock stocking rates were valid. EIS at 41. Here, the S&Gs recommend renewing permits based on the status quo, but there is no quantifiable evidence to show that the status quo is sufficient to prevent undue degradation. The BLM doesn't even incorporate actual use data into the decisions, making it impossible to know whether the determinations reflect use or non-use of the allotments.

For all allotments, the BLM should include actual monitoring data and locations of assessments in the forthcoming EAs. The lack of quantifiable monitoring data and the absence of the locations of measured areas fails to support the determinations. The BLM cannot seek to reauthorize livestock grazing on thousands of acres of BLM land without any scientifically valid information to support that decision. We caution the agency against relying on outdated data, or qualitative and subjective conclusions in its proposed decisions and future actions.

The S&Gs generally do not provide meaningful analyses of the non-native species infestations on these eight allotments. The BLM needs to seriously consider the role livestock may be playing in the spread of non-natives on these allotments. The BLM should analyze and disclose all the non-native and invasive species found on the allotments.

The S&Gs also don't disclose the range developments and water sources that may be affecting the ecological health of and wildlife distribution on these allotments. Because there are no monitoring sites, and the visual assessments of rangeland health seem to have been conducted in arbitrarily selected areas, there is no way of knowing what the conditions reflect along a gradient of grazing intensity. The BLM should include maps of the water developments and range improvements in the forthcoming EAs, as well as provide the geo-spatial locations of the S&G surveys. The forthcoming and expected environmental analyses should take a hard look at the evidence that water sources are a distribution point for non-native species. *See* Brooks et al, 2006.

It is also generally unclear why the BLM provides information only about the BLM lands and the BLM authorized AUM for these allotments. Unless there are fences separating the BLM-authorized livestock and pastures from the state and private lands, there is the potential for a much larger herd to be on the BLM lands. The cumulative and individual impacts of this would be greater

than the simple permit admits. The EAs should all describe what the actual use is on these allotments- including the unrestrained use of state and private lands.

For all allotments, the BLM should have detailed and accurate actual use data. It is not clear to us why the BLM did not include any actual use data in some of the S&Gs. Actual use is the most basic level of management that the BLM should be providing on these public lands and, since annual billing depends on this data, it should be readily accessible. It helps the decisionmaker and the public understand the influence of livestock on the ecological parameters measured by the S&Gs. It also helps support future permit authorizations at whatever level will not unduly degrade the resources. The complete EAs for all of the allotments should contain this basic information.

In general, we do not believe that the information provided in these S&Gs is sufficient for authorizing continued livestock grazing. We do not find that the BLM has met its obligation to scientifically and quantifiably evaluate the impacts of livestock grazing on these allotments. The analysis of resource conditions is scant, the evidence of monitoring is non-existent, and many of the conclusions are unsupported.

Please keep us informed as the planning process for these permit renewals proceeds and please send us the complete EAs with any notices of proposed decisions. We are happy to receive this information electronically on CD.

Thanks.

Sincerely,

Greta Anderson
Arizona Director
Western Watersheds Project

REFERENCES (provided upon request)

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Fleischner, T.L. 1994. Ecological costs of livestock grazing in western North America. Conservation Biology 8(3):629-644.

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