Hubbard Vineyard Allotment - Appendix 1
Standard Operating Procedures
Common to All Projects

General

The following Standard Operating Procedures (SOPs) apply to all projects:

1. Appropriate Cultural Resource Surveys will be completed prior to the initiation of any projects, with final project locations set to avoid effects to any historic properties. If any previously unrecorded cultural properties, items or artifacts (stone tools, projectile points, etc.) are encountered during project construction, the BLM authorized officer shall be immediately notified and the discovery shall be left in place and the location protected until the BLM evaluates the discovery and provides written authorization for the project to resume. Cultural and Archaeological resources are protected under the Archaeological Resources Protection Act (16 U.S.C. 470ii) and the Federal Land Management Policy Act (43 U.S.C. 1701). Also, though the possibility of disturbing Native American gravesites within the proposed project areas are relatively low, inadvertent discovery procedures must be noted. Under the Native American Graves Protection and Repatriation Act, section (3)(d)(1), it states that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity which caused the discovery is to cease and the materials are to be protected until the land manager can respond to the situation.

2. All trash and excess debris will be removed from the public lands and disposed of at an approved solid waster disposal site within 10 days of construction completion.

3. Ensure that vehicles entering and exiting project site are clean of any noxious weed plant parts and that they stay on existing and established roads to the site.

4. Baseline surveys will be conducted for special status species (plant and animal) prior to project implementation. Projects will be designed to avoid special status species and monitoring will be conducted to determine if indirect activities associated with projects are causing impacts.

5. A raptor and migratory bird nesting survey will be required for projects that are proposed to be constructed between March-July.

6. All equipment oil and hydraulic leaks will be repaired before use. Any leaks developed during use will be repaired immediately. If leaks into the soil are possible, drip pans will be used to prevent soil contamination.

7. During fueling operations the operator will insure no fuel spillage occurs. Care should be taken to insure all fuel tank caps, hoses, and spillage is minimized to prevent soil contamination. Should a spill occur, it should be reported to the BLM Hazardous Materials Specialist immediately for proper action.

8. All soil disturbances will be monitored for the establishment of noxious weeds.

Steps will be taken to treat any new infestations that result from construction activities.

9. Disturbed areas will be treated, where such action is necessary and practical, to replace ground cover and prevent erosion.

10. BLM will obtain all necessary permits prior to construction to comply with state and federal laws.

11. Avoid surface disturbing activities when soils are wet on soils that are most susceptible to compaction (sandy loam, loam, and sandy clay loam textures).

12. Construction of all projects will be in accordance with the appropriate BLM handbooks or technical references to the maximum extent possible.

Fence Projects

Construction and maintenance of the fences will be subject to the following Special Project Requirements:

1. Fences will be built in accordance with manual H-1741-1. Modifications may be incorporated into the design based on consultation with Nevada Department of Wildlife (NDOW) and subsequent recommendations to mitigate impacts to big game. Let down fences will be constructed in big game crucial ranges and migration corridors where feasible and necessary.

2. Increase the visibility of fences constructed within 1 km of seasonal sage grouse ranges by utilizing appropriate measures such as installing deflectors, flagging, wider fence stays, white-topped posts, etc.

3. All corners and stress panels will be constructed with steel pipe to BLM specifications. (This would reduce any reconstruction costs versus the use of wood posts due their ability to withstand the effects of wildfire). Domed pipe caps would be secured to top of steel pipes to prevent wildlife entry and minimize predatory bird perching. The top fence wire would be secured above horizontal steel pipe braces to minimize perching by predatory birds.

4. For access during construction, minimal blading, grading, or scaling of the fence line will be allowed. Surface disturbance associated with project construction will not exceed a 20-foot corridor along the route of the fenceline. Brush removal, if necessary, would be done by hand or with “brush beater” type equipment that does not uproot brush or otherwise break the ground surface. After the fence is constructed, the BLM would evaluate the need for reseeding disturbed areas to prevent the spread of undesired weed species.

5. Fences will be maintained on an annual basis by the permittee. If fences are not maintained satisfactorily, action may be taken against the permit.

Water Developments

1. Stockwater troughs will be located to take advantage of topography and vegetation to screen sites from view. Stockwater troughs shall be placed so that the height of the top rim shall not exceed 20 inches above ground level and maintained at this level or lower level. The overflow outlets will be located downhill from the trough a minimum of 40 feet.

2. A bird and small mammal access ramp/escape ladder (furnished and installed by the BLM or designed as part of the stockwater trough itself) will be maintained in each stockwater trough by the permittee.

3. Stockwater troughs and the storage tank will be painted an earthtone color (approved by the BLM) which blends with the surrounding environment.

4. No roads will be constructed, but vehicular use along the pipeline route would occur with routine maintenance.

5. If concentrated runoff occurs along vehicle tracks which begin to cause rilling or gullying, water breaks would be installed every 200 feet where slopes are less than ten percent, and every 150 feet on 11-25 percent slopes.

6. Surface disturbance associated with the project construction will not exceed a width of a 30-foot corridor along the route of the pipeline and a 30-foot diameter circle around each trough. All ground disturbance associated with pipeline construction resulting in bare ground will be seeded with a seed mixture approved by BLM to help prevent soil erosion and noxious weed/annual exotic weed establishment.

7. Pipe will be buried at least 18 inches below the ground surface unless otherwise required for engineering or mitigation of cultural resource values.

8. No blading, grading, or scalping of the pipeline route will be allowed. Brush removal, if necessary, will be done by hand or with “brush beater” type equipment which does not uproot brush or otherwise break the ground surface.

9. The permittee will ensure that troughs are left full to provide water for wildlife when livestock are removed from the area as required by NRS 533.367. It will be requested that water be available in the troughs from April 15 through October 15 of each year regardless of the given year’s grazing system as some wildlife species may become dependent on the troughs as water sources. The water shall be drained if freezing weather necessitates earlier drainage to prevent damage to the pipelines and troughs.

10. Pit tanks will be constructed in drainages below existing spring sources

Hubbard Vineyard Resource Protection Measures

All actions authorized by BLM are subject to the following resource management requirements from BLM policy and approved plans.

1. Treat invasive and noxious weeds in a manner that is most appropriate to the weed species and degree of infestation. Treatment will be in accordance with the procedures outlined by *the Programmatic Environmental Assessment of Integrated Weed Management on Bureau of Land Management Lands* (BLM 1999; BLM/EK/PL-98/008).

2. Manage sage-grouse habitat (i.e. leks, nesting, brooding, and summer and winter habitats) consistent with the *Western States Sage Grouse Guidelines,* as adapted for use in Nevada.

3. As range improvement projects are planned, incorporate conservation measures from the 1999 *Nevada Bird Conservation Plan* and the 2005 *Nevada Comprehensive Wildlife Conservation Strategy* as recommended by NDOW, when practical.

4. Water will be left at the source for spring developments for wildlife (as required by Nevada Revised Statutes [NRS]) and to provide for establishment and maintenance of riparian habitats. Existing spring developments that capture and remove all of the water from a site will be re-designed to leave water at the spring source area.

5. Remove or retire non-functioning and/or unnecessary range improvements, and repair, redesign, or rehabilitate spring developments and fences to mitigate wildlife concerns and to improve habitat conditions, as time and funding allow.

Appendix 2
Migratory Bird Habitat Table
Hubbard Vineyard Allotment

Name	Habitat Type					
	Riparian**	Montane Shrub	Sagebrush/Grass	Cliffs/Talus	Likely To Occur	Known to Occur
Wilsons' Warbler	X,O					X
MacGillivray's Warbler	X,O	X				X
Orange-crowned Warbler	X	X			X	
Yellow Warbler	X	X				X
Common Yellowthroat	X	X				X
Yellow Rumped Warbler	X	X				X
Virginia's Warbler	X				X	
Northern Goshawk*	X				X	
Swainson's Hawk*		X	X		X	
Ferruginous Hawk*	X		X	X	X	
Prairie Falcon*			X	X,O	X	
Golden Eagle*				X		X
Red -tailed Hawk	X	X	X			X
American Kestrel	X	X	X	X		X
Turkey Vulture		X	X			X
Osprey	X				X	
Bald Eagle*	X		X		X	
Lewis' Woodpecker*	X				X	
Calliope Hummingbird	X	X	X		X	
Broad-tailed Hummingbird	X					X
Black-chinned Hummingbird	X				X	
Warbling Vireo	X					X
Vesper Sparrow*	X	X	X			X
Sage Sparrow			X		X	
Brewer's Sparrow			X			X
Fox Sparrow	X				X	
House Sparrow	X	X	X			X
Savannah Sparrow	X		X			X
Song Sparrow	X	X				X
Black-Throated Sparrow			X		X	
Lark Sparrow			X			X
Grasshopper Sparrow	X		X			X
Black Rosy Finch*	X	X	X	X,O	X	
House Finch	X	X	X			X
Yellow-breasted Chat*	X					X
Loggerhead Shrike*		X	X			X
Western Bluebird		X			X	
Mountain bluebird	X				X	
Sage Thrasher			X			X
Great Blue Heron	X,O					X
Killdeer	X					X
Green-winged Teal	X,O				X	
Gadwall	X,O					X
Mallard	X,O					X
Northern Pintail	X,O					X

Name	Habitat Type					
	Riparian**	Montane Shrub	Sagebrush/Grass	Cliffs/Talus	Likely To Occur	Known to Occur
Cinnamon Teal	X,O					X
Northern Shoveler	X,O					X
Common Merganser	X,O					X
Canada Goose	X,O					X
Ruddy Duck	X,O					X
Ring-necked Duck	X,O					X
Spotted Sandpiper	X,O					X
Common Loon	X,O					X
Eared Grebe	X,O					X
Clark's Grebe	X,O					X
Long-billed Curlew*	X,O				X	
Greater Sandhill Crane	X					X
Sora	X,O					X
American Coot	X,O					X
Wilson's Phalarope	X,O					X
Willet	X,O					X
Common Snipe	X,O					X
Wilson's Snipe	X,O				X	
California Gull	X,O				X	
Caspian Tern	X,O				X	
Belted Kingfisher	X,O				X	
Mourning Dove	X					X
Burrowing Owl*	X		X		X	
Great-horned Owl	X	X	X		X	
Northern long-eared Owl*	X	X	X		X	
Short-eared Owl*	X	X	X		X	
Western Meadowlark			X			X
Green-tailed Towhee	X		X			X
Spotted Towhee		X	X			X
Brewer's Blackbird			X			X
Red-winged Blackbird	X					X
Yellow-headed Blackbird	X					X
Horned lark			X			X
White-throated Swift				X	X	
Say's Phoebe				X		X
Common Raven				X		X
Common Nighthawk		X	X		X	
Common Poorwill			X		X	
Blue Grosbeak	X,O				X	
Black-headed Grosbeak		X				X
Evening Grosbeak		X				
Northern Flicker	X	X				X
Western Wood - Pewee	X					X
Willow Flycatcher	X,O				X	
Least Flycatcher	X				X	
Gray Flycatcher			X		X	

Name	Habitat Type					
	Riparian**	Montane Shrub	Sagebrush/Grass	Cliffs/Talus	Likely To Occur	Known to Occur
Dusky Flycatcher		X			X	
Cordilleran Flycatcher	X	X			X	
Western Kingbird	X	X	X			X
Tree Swallow	X				X	
Northern Rough- winged Swallow	X				X	
Bank Swallow	X,O				X	
Barn Swallow	X					X
Cliff Swallow				X		X
Violet-green Swallow				X	X	
House Wren	X	X				X
Canyon Wren				X	X	
Rock Wren				X		X
Hermit Thrush	X					X
American Robin	X					X
Red-breasted Nuthatch						X
White Breasted Nuthatch						X
Bushtit						
Black-billed Magpie	X	X	X			X
Common Raven	X	X	X	X		X
Lazuli Bunting	X	X				X
Pine Siskin						X
American Goldfinch	X					X
Bobolink*	X,O					X
Bullock's Oriole	X				X	
Brown-headed Cowbird	X					X

O Obligate Species – Obligate species are species which are dependent on a specific habitat type to complete their life cycles. They may; however, use other habitats as well.
* Special Status Species
** Riparian habitat includes the following habitat types as outlined in the Nevada Partners in Flight Bird Conservation Plan: Agricultural Lands, Aspen, Lowland Riparian, Montane Riparian, Montane Parkland, Wetlands/Lakes/Reservoirs

Appendix 3 – Hubbard Vineyard Allotment
2005-2007 Boies Ranches Bird Survey Results

		2005	2006	2007	Number of Years Seen
	Willet	X			1
	Spotted Sandpiper	X	X		2
	Common Snipe	X	X	X	3
	Wilson's Phalarope	X	X	X	3
	American Avocet		X	X	2
Gulls and Terns					
	Unidentified gull		X		1
	Ring-Billed Gull		X		1
	Black Tern			X	1
Pigeons and Doves					
	Rock Pigeon	X	X	X	3
	Mourning Dove	X	X	X	3
Owls					
	Burrowing Owl		X	X	2
	Great-horned Owl			X	1
Goatsuckers					
	Common Nighthawk			X	1
Kingfishers					
	Belted Kingfisher			X	1
Hummingbirds					
	Broad-Tailed Hummingbird	X	X		2
	Black-Chinned Hummingbird		X		1
Woodpeckers					
	Northern Flicker	X	X	X	3
	Red-naped Sapsucker			X	1
Flycatchers					
	Western Wood-Pewee	X	X	X	3
	Empidonax Flycatcher group	X			1
	Willow Flycatcher		X	X	2
	Dusky Flycatcher			X	1
	Say's Phoebe			X	1
	Western Kingbird	X	X	X	3
Shrikes					
	Loggerhead Shrike	X	X	X	3
Vireos					
	Warbling Vireo	X	X	X	3
Jays and Crows					
	Black-billed Magpie	X	X	X	3

		2005	2006	2007	Number of Years Seen
Waterfowl					
	Canada Goose	X	X	X	3
	Gadwall	X	X	X	3
	Mallard	X	X	X	3
	Cinnamon Teal	X	X	X	3
	Green-winged Teal		X	X	2
	Northern Shoveler	X	X	X	3
	Northern Pintail	X	X	X	3
	Ring-necked Duck	X	X		2
	Common Merganser	X	X	X	3
	Ruddy Duck	X	X		2
	Canvasback		X		1
	Lesser Scaup		X		1
Upland Game Birds					
	Greater Sage-Grouse	X			1
Loons and Grebes					
	Common Loon	X			1
	Pied-Billed Grebe			X	1
	Eared Grebe	X	X		2
	Clark's Grebe	X		X	2
Pelicans					
	American White Pelican		X		1
Herons and Vultures					
	Great-blue Heron	X		X	2
	Black-crowned Night Heron			X	1
	White-Faced Ibis		X		1
	Turkey Vulture	X	X	X	3
Raptors					
	Northern Harrier	X	X	X	3
	Northern Goshawk			X	1
	Red-tailed Hawk	X	X	X	3
	Golden Eagle	X	X	X	3
	American Kestrel	X	X	X	3
	Osprey		X		1
	Prairie Falcon		X		1
Cranes, Coots and Cranes					
	Sora	X			1
	American Coot	X	X	X	3
	Sandhill Crane	X	X	X	3
Shorebirds					
	Sempalmated Plover		X		1
	Killdeer	X	X	X	3

		2005	2006	2007	Number of Years Seen
	American Crow		X	X	2
	Common Raven	X	X	X	3
Larks					
	Horned Lark	X	X	X	3
Swallows					
	Bank Swallow		X		1
	Cliff Swallow	X	X	X	3
	Barn Swallow	X	X		2
	Tree Swallow		X	X	2
	Violet-Green Swallow		X	X	2
	Northern Rough-winged Swallow			X	1
Chickadees					
	Black-capped Chickadee			X	1
	Mountain Chickadee			X	1
Bushtits					
	Bushtit	X			1
Nuthatches					
	Red-breasted Nuthatch	X			1
	White-breasted Nuthatch	X			1
Wrens					
	Rock Wren	X	X	X	3
	House Wren	X	X	X	3
	Marsh Wren		X		1
Gnatcatchers					
	Blue-Gray Gnatcatcher		X		1
Thrushes					
	Mountain Bluebird			X	1
	Swainson's Thrush		X	X	2
	American Robin	X	X	X	3
Thrashers					
	Sage Thrasher	X	X	X	3
Starlings					
	European Starling			X	1
Wood Warblers					
	Yellow Warbler	X	X	X	3
	Yellow-rumped Warbler	X	X		2
	MacGillivray's Warbler	X			1
	Common Yellowthroat	X	X	X	3

		2005	2006	2007	Number of Years Seen
	Wilson's Warbler	X	X	X	3
	Yellow-breasted Chat	X	X	X	3
Tanagers					
	Western Tanager	X	X		2
Sparrows					
	Green-tailed Towhee	X		X	2
	Spotted Towhee	X	X	X	3
	Brewer's Sparrow	X	X	X	3
	Vesper Sparrow	X	X		2
	Lark Sparrow	X	X	X	3
	Savannah Sparrow	X	X	X	3
	Grasshopper Sparrow	X			1
	Song Sparrow	X	X	X	3
	White-crowned Sparrow			X	1
	Dark-eyed Junco			X	1
Cardinals and Allies					
	Black-headed Grosbeak	X	X		2
	Lazuli Bunting	X	X	X	3
Blackbirds					
	Bobolink	X	X	X	3
	Red-winged Blackbird	X	X	X	3
	Western Meadowlard	X	X	X	3
	Yellow-headed Blackbird	X	X	X	3
	Brewer's Blackbird	X	X	X	3
	Brown-headed Cowbird	X	X	X	3
	Bullock's Oriole	X	X	X	3
Finches					
	Cassin's Finch	X		X	2
	House Finch	X	X	X	3
	Pine Siskin	X			1
	American Goldfinch	X	X		2
	Lesser Goldfinch		X		1
	Evening Grosbeak	X			1
Old World Sparrows					
	House Sparrow	X	X	X	3
TOTAL BIRD SPECIES		78	84	80	117
Other Animals					
	Big black lizard	X			
	Mule Deer	X	X	X	
	Muskrat		X	X	

		2005	2006	2007	Number of Years Seen
	Cottontail		X	X	
	Black-Tailed Jackrabbit		X	X	
	Unidentified ground squirrel		X	X	
	Pronghorn			X	
	Badger			X	

Appendix 4
Hubbard Vineyard Allotment
Multiple Use Decision
Response to Public Comments on the Preliminary Environment Assessment

On 5 October 2007 the Elko Field Office released the Preliminary Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the Hubbard Vineyard Allotment Multiple Use Decision. The Elko Field Office requested that all comments on these documents be submitted by Friday, 2 November 2007. On that date Jon Marvel, Executive Director for Western Watersheds Project, contacted this office with a request for some additional time to provide comments. This resulted in a 10 day extension to the comment period. The BLM received a total of five comment letters: Boies Ranch, dated 31 October 2007 and received via FAX 2 November 2007; State of Nevada- Department of Administration dated 2 November 2007 and received via mail on 5 November 2007; Western Watersheds Project dated 11 November 2007 and received via e-mail on the same day; and two additional letters by Western Watersheds Project dated 12 November 2007 and submitted via e-mail the same day.

Boies Ranch

Comment #1: *Pg. 6 b. Biological Plan: *The HM biological plan also identifies wildlife concerns and recreational issues.*

Response: Comment noted and incorporated into the EA.

Comment #2: *Grazing Process: *Coon Creek is a small key pasture that helps create the flexibility needed to achieve riparian goals in mountain pastures and elsewhere. Through HM and planning both Coon Creek and Middle Pasture have improved. One in four hot season use does not provide enough pasture options. Not to allow cool season grazing or late use is not adequate.*

Response: The BLM's chief resource concern in the Coon Creek Pasture is the lentic (spring) areas. The 2003 Lentic PFC assessment rated three of these springs as Functional at Risk with a Downward Trend; the 2007 assessment revisited two of these springs, which resulted in the same assessment. One of the springs assessed in 2003 was not re-assessed in 2007, and two springs not assessed in 2003 received Non-Functional ratings in 2007. While uplands may be improving, the lentic areas are not showing the same levels of improvement. BLM's experience with lentic areas elsewhere indicate that springs in low elevations such as the conditions found on Coon Creek respond favorably to no more than one year in four of hot season use without the need for additional fencing or exclosures. The pasture will continue to be open to cool season use (dates outside the July 1st through September 15th) so long as the pasture receives deferment until after the end of the growing season at least two out of every four years.

Comment #3: **Permitted AUM's cannot be pasture by pasture but for entire allotment. This allows for the flexibility needed for the HM process to accomplish wildlife, and habitat goals, and provide economic feasibility for the permittee.*

Response: The monitoring data collected by the BLM that supports the suggested carrying capacity is laid out in Appendix 1 in the evaluation and is summarized in the table on Page 11 of the Draft EA and explained on pages 11 and 12. The EA does state that these carrying capacities will be used to plan annual use. Additional factors that will be used on an annual basis in determining carrying capacity for the allotment are precipitation, season of use, resource values and forage production.

Comment #4: *Pg. 7 Utilization Guidelines: *Utilization must reflect entire reach of stream, entire uplands, not just represent a snapshot. Levels should be determined by an average of the whole.*

Response: The BLM collects most utilization data at key areas, which are established in places that are typical of the upland areas that livestock commonly use. Riparian utilization would need to be collected on a similar basis. It would be improper for the BLM to average areas of extreme livestock use with those portions of the riparian areas inaccessible to or unused by livestock, but at the same time it would also be improper to characterize the areas of extreme use as typical for the entire riparian area.

Comment #5: *Proposed Improvements, Page 10. *Listed improvements are critical to continue progress of management to reach goals and objectives.*

Response: Comment noted.

Comment #6: *Carrying Capacity Guidelines, Pg. 11 *Assigning AUM's to individual pastures does not fit the HM model, which has achieved documented positive results since its implementation by permittee. Permittee is not requesting additional AUM's at this time, but feels it is essential to allocate AUM's to the entire allotment instead of pasture by pasture to maintain the flexibility that benefits the resource, and wildlife. Adhering to strict allotted pasture-by-pasture AUM's is contrary to the flexibility that has proven beneficial to the resource through the HM process.*

Response: The AUMs allocated by pasture are the product of calculations of the long-term average availability of forage. The process can be found in the references noted in Comment #3 above. As noted, the proposed action states that the carrying capacity calculations will be the starting point for annual grazing use. Additional factors that will be used on an annual basis in determining carrying capacity for the allotment are precipitation, season of use, resource values and forage production, with total use not projected to exceed current active AUMs.

Comment #7: **Table 3, Flat AUM's not acceptable. 1060 represents a **25% and 29% cut** respectively. This does not represent the increase in pounds of feed or the increase in willow establishment in riparian areas, despite the NF characterization of Bull Camp Creek's lower reaches.*

Response: The carrying capacity recommended by this evaluation does not recommend any "cuts" in AUMs as compared to permitted use. The commenter appears to be comparing the 1060 AUMs to the figures reported in the allotment evaluation; in this case the raw data suggests carrying capacity of 1,402 AUMs without a climatic adjustment factor and 1,485 AUMs with the

climatic adjustment factor. The adjustment factor mathematically corrects all of the raw data to a "normal" precipitation year. See the discussions for Comments #3 and #6 for discussions about the role of these carrying capacity calculations.

Comment #8: **Dry Creek Mtn. Triangle and Jakes Creek Mtn. AUM's are not acceptable. These mountain riparian areas are at PFC and the assigned 3385 AUM's representes a **77.365% cut and 84.16% cut** respectively, much of the riparian zones in these pastures are on private ground.*

Response: Once again, the comment is comparing the raw data based on monitoring with the recommended carrying capacity calculations. Raw monitoring data at least suggests that 15,646 AUMs (pre-CAF) and 21,966 AUMs (post-CAF) are available in these three pastures; however, this is based on use pattern mapping of the entire pastures and assumes that livestock would be able to make up to 50% use in portions of these pastures that livestock would never get to due to distance from water, slope, and other factors. The calculated carrying capacity is at least partially based on actual use figures.

Comment #9: **Pg. 13 Quote: "Generally, Elko BLM personnel have not found substantial reductions in cattle AUM's/numbers to result in meaningful reductions in impacts to or significant improvement in spring/riparian conditions." End Quote. *Pg. 27 Quote: "Monitoring data collected since the inception of HM on the H/V Allotment shows the significant progress is being made toward the attainment of riparian habitat objectives and would be expected to continue under this process." End Quote. *If there is an upward trend on the allotment as a whole why should there be such dramatic cuts?*

Response: As noted, these are not "cuts". These are recommendations for carrying capacities that happen to be less than what the raw data suggests may be available. See response to Comment #8. The BLM expects that livestock numbers are likely to remain at or near what they are now; the gains in resource conditions noted in the evaluation and the EA have been made through changing seasons of use on key riparian pastures. The point of the quote on Page 13 is that reducing livestock numbers without addressing season of use is not likely to result in substantially improved riparian conditions.

Comment #10: *3. Soils, Pg. 17, one of the main principles of HM is the health of the soil. To cover bare ground with plant species to stop wind and soil erosion, and establish healthy water, mineral and energy cycles.*

Response: Comment noted.

Comment #11: *4. Water Quality, Surface/Ground Pg. 21. *We do not agree with "trigger" language. Trigger infers that one person determines outcome by some arbitrary measurement. An example is the use of stubble height which is not an accurate measurement or true indication of health. Under HM principles the process of planning, monitoring, adjusting and replanning through team determinations is a more "truthing" human process.*

Response: The BLM does not have any current "trigger" language in the proposed action. This language has been removed from the final document.

Comment #12: *Table 1 H/V Lentic PFC Assessment Pg. 23 *We understand issues over spring areas but there are solutions. Most obviously fencing, cooperative projects with elk and wildlife advocacy groups are an option. It also has to be acknowledged that PFC on the sited springs was done late in the fall when water was naturally drying up. It is impossible to responsibly determine trend by one reading of these sites. Many part-time seasonal agency employees are inadequately trained as acknowledged by the BLM.*

Response: The BLM acknowledges that the 2003 Lentic PFC assessments occurred in the fall (September); however, the 2007 assessments occurred during the spring (June). The BLM has established trend in many springs with the 2007 readings. These two times of year also provide data for post-grazing and pre-grazing analysis, plus four years under the new grazing systems. Although PFC monitoring data can be collected by seasonal employees, they are required to attend PFC training. In addition full time BLM employees work closely with these individuals to ensure that they understand the concepts to be incorporated through the rating process. Monitoring data collected by seasonal employees (including photographs) are reviewed by agency biologists to determine accuracy prior to finalizing the monitoring files for each spring assessed.

Comment #13: **If grazing is to continue and lentic riparian goals are to be met then springs need to be fenced.*

Response: The agency would prefer to address riparian goals through season of use changes where practical, with fencing to be used where the preferred alternative is not feasible. Some springs will need to be fenced.

Comment #14: **Natural springs and seeps should not be lumped with manmade dirt reservoirs. Man made reservoirs should not be in the same category as springs and seeps. Existing reservoir maintenance should be routine and at the discretion of the permittee within the boundary of original disturbance.*

Response: Dirt reservoirs are generally not supposed to be assessed as though they were springs or seeps *unless* the reservoir is closely associated with a spring or it is a spring that has been dug out to create the reservoir. The BLM did collect PFC data at reservoirs, but data collected at reservoirs that do not meet the above two exceptions will not be used in multiple use objectives or rangeland health determinations.

Comment #15: *Wildlife Table 3. Pg. 32 *Table 3 indicates that monitoring results on sage grouse leks on H/V allotment from 1999 through 2006 represent an upward trend; contrary to prior conclusions stated that "population trend estimates for both O'Neil and Snake PMU's are in a downward trend". *Table 3 clearly depicts an upward trend in the East Hubbard Well Trend Lek Summary.*

Response: The downward population trend estimates for the O'Neil and Snake PMU's are from the "Northeastern Nevada Sagebrush Ecosystem Management Plan". The Hubbard Vineyard Allotment occupies only a very small part of the two PMU's. The trend lek in the Hubbard Vineyard Allotment does show an upward trend, which may or may not be typical of the entire

PMU's as a whole. As noted on page 25 of the Hubbard Vineyard Allotment Evaluation; predator control studies were being conducted on the allotment from 2002 to 2005. This could have contributed to the upward trend noted on the East Hubbard Well trend lek.

Comment #16: *Concluding Comments. Boies Ranch supports the HM Proposed Action. The diversity of the Hubbard Vineyard Allotment adds a degree of complexity that is better served by the HM process. Data supports that since HM was implemented by the permittee, significant progress has been made, is expected to continue being made and is in progress on the allotment. This is corroborated by information in this document.*

- Table 1 page 23, 53% lentic areas are in an upward trend or at PFC compared to 35% in NF condition or in a downward trend.

- Map #9 shows that PFC indicators in mountain pastures are in an upward trend.

- Table 3, page 32 shows that sage grouse lek indicators represent an upward trend.

- The diversity of wildlife on the allotment in and of itself represents significant progress and upward trends overall.

- The antidotal visual truth of willow growth and longer and later stream flows in lower elevations intermittent streams like Dry Creek and Jakes Creek in dry years like 2007 are evidence of an upward trend and significant progress on the allotment.

With such dramatic indication of progress the permittee does not agree with the drastic cuts in mountain pasture AUM's or the Flat Pasture. The policy of designated AUM's per pasture instead of a total allotment approach hampers the flexibility that benefits wildlife by incorporating more rest and season of use planning.

Response: Please see the response to the comments above.

Comment #17: *The HM process acts as a grassroots NEPA process and the meetings resemble the agency scoping process for the allotment by notifying the interested public, affected agencies to yearly meetings to offer recommendations to the affected agency.*

According to The National Environmental Policy Act of 1969 (NEPA): Sec. 101 (A), "it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

Sec. 102, all agencies of the Federal Government shall: (A) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences, and the environmental design arts in planning and in decision making which may have an impact on man's environment.

CEQ NEPA Regulations, 40 C.F.R. 1501.7 (2005) "it is in your interest to encourage agencies to engage the public as soon as the proposals are shaped sufficiently to have meaningful public

participation and to use the scoping opportunity to make thoughtful, rational presentations on impacts and alternatives."

Response: The HM group is valuable in that it allows for the free exchange of ideas and information that should lead to better decision making. The HM meetings are practical ways of discussing alternative management strategies and their impacts that are useful for scoping with all the interested public in the process of completing appropriate NEPA analysis. In addition, the HM meetings are valuable in discussing proposed annual operating plans and practices to review their compatibility with the HM goals and objectives, including the objectives for public lands, and consistency with the permit terms and conditions for livestock grazing use. The recommendations of the group are then submitted to the BLM for approval.

Nevada Department of Administration

Comment #18: *The State Clearinghouse has processed the proposal and has no comment.*

This constitutes the State Clearinghouse review of this proposal as per Executive Order 12372.

Response: Comment noted.

Western Watersheds Project- 11 November 2007

Comment #19: *Western Watersheds Project is concerned that BLM as not considerd or even acknowledged scoping comments that we submtted to BLM in 2006 in its Hubbard Vinyrd allotment Evaluation Summary Report. he Report states that severl others have commented (on the AE), but makes n mention of WWP hving submitted scoping comments and participated in te process. Pleaseexplain why our scoping comments have been ignred in the AE and DrafFONSI and EA. We will be sbitting additional comments, but want to make sue you understand that we havearticipated - but concerns expessed have been ignored to date.*

Pasted below re our Scoping commenssubmitted to Mr. DeForest.

Response: On June 30, 2006 the Elko Field Office of the BLM mailed a letter to the Public notifying then of on-going monitoring efforts to be conducted during the summer of 2006 on numerous allotments that were scheduled to be evaluated during the permit renewal process.

In reply to this letter WWP submitted a response to the BLM prioritizing which allotments that they wanted to be involved in the collection of monitoring data. In addition they also stated that the "*Elko BLM properly and systematically assess thecondition of the soils, vegetation, weed invaion, wildlife habitats, haitats for all important and special status speies, watershed healthand integrity, grazing effects on water quality and quantty, grazing effcts on all upland and riparian communities including springs seeps and ephemraland intermittent dainages*". They also included comments that they had recently submitted in regard to the Sheep Complex, Big Springs, and Owyhee Grazing Allotments Sensitive Bird Species EIS that was on-going at the Field Office at that time; stating that "as we believe they are directly relevant to the process, too."

These comments were not submitted specifically to the BLM in relation to the Hubbard Vineyard Allotment Summary Report (HVASR) as stated in this comment. The Hubbard Vineyard Allotment Evaluation Summary Report was not issued until approximately one year after receiving these comments. In fact, no comments were received from WWP in response to issuing the HVASR. Based on the fact that no comments were received, the BLM considered that the HVASR had provided data to sufficiently address the resource issues as identified in the prior letter.

Western Watersheds Project- 12 November 2007- #1

Comment #20: *The EA and AE lack analysis of many deleterious effects of livestock grazing and trampling disturbance (see Fleischner 1994) - especially the "holistic grazing" scheme that relies on uniform intense disturbance and adverse alteration of: soils; microbiotic crusts; native vegetation community composition, function and structure; important and sensitive species habitat components; integrity of cultural resources; recreational uses and enjoyment of public lands; watershed functioning; water quantity and quality, and many other important values.*

Holistic grazing inflicts many of the most deleterious practices on fragile sagebrush and salt desert sagebrush communities. Very harmful practices – which may have serious adverse effects of promoting invasive species spread and eventual dominance of sites, or in causing loss of structural integrity of old growth and mature sagebrush (termed "decadent" by the HRM/Savory disciples here and that are destroyed under holistic practices) - are conducted under "holistic" grazing.

Response: The grazing system traditionally associated with Holistic Resource Management as advocated by Allen Savory is commonly known as "high intensity low frequency" because it calls on concentrating livestock into small areas for short periods of time. This type of grazing system does have advantages and disadvantages, depending on the resources present and management goals. The basic premise is to use "animal impact" to accomplish a specific resource goal, with the livestock moved frequently to avoid grazing plant re-growth and to achieve more even utilization levels.

The infrastructure to support this type of grazing management does not exist in the Hubbard Vineyard Allotment, and proposals analyzed in the EA do not contemplate constructing any such facilities or entering into any grazing system of this type. What is in place on this allotment is the Holistic Management planning process, which encourages looking at the ranch operation as a "whole" and accounting for all resource concerns and needs in management planning efforts. The grazing process used on the Hubbard Vineyard Allotment incorporates rest and varying seasons of use across years.

Comment #21: *It is clear that an EIS must be prepared to examine the full range of deleterious effects of grazing use and management under 'holistic grazing". This system is often used to avoid meeting specific mandatory measurable standards of grazing use, and to avoid accountability for overstocking of the public lands. It is highly controversial, and at odds with current ecological science. See for example, Mack and Thompson 1982, Fleischner 1994, Belsky and Gelbard 2000, USDI BLM Technical Bulletin on microbiotic crusts Belnap et al., numerous scientific studies and analyses associated with ICBEMP – the Interior Columbia Basin*

ecosystem Management Plan, and even Wisdom et al. 2003- a report on the deteriorating ecological conditions across Nevada now suppressed by Nevada BLM and especially the grave risks of cheatgrass and other invasive species spread and dominance under continued disturbance). Please also review Nevada Natural Resources Status Report (2002), and a series of Holechek, Galt and other articles in the Attached bibliography.

This all adds up to discredit the "holistic" elaborate scheme of cow stomping and trampling; purposeful destruction of native sagebrush, bitterbrush , mountain shrubs and other vegetation through management practices such as feeding various substance; uniform and intense disturbance inflicted to microbiotic crusts and fragile arid lands vegetation communities.

Response: Please see the response to comment #20 for a description of how HM is applied on the Hubbard Vineyard Allotment versus the "traditional" HRM as advocated by Savory. The HM process has been used in the Hubbard Vineyard Allotment to rest pastures- between one-half to one-third of the allotment is completely rested in any given year- and to rotate use periods through years. The end result of this process is that nearly all long term trend monitoring show stable to improving trends, with recorded utilization levels largely falling within the limits laid out in the land use plan and allotment specific resource objectives.

Comment #22: *HRM is also very expensive and a time sink for agency staff and others as endless meetings are conducted to promote continued grazing damage. There is no certainty on how public lands will be managed under this scheme – where a group often comprised primarily of ranching sycophants, accedes to the desires of the permittee. The group is essentially "cover" for overstocking, damaging practices such as supplement feeding to destroy mature native vegetation, and other practices.*

Response: The two HM meetings provide a valuable environment for the exchange of differing thoughts, ideas, and planning (only 2 occur in the year; planning and evaluation). The goal of the HM process is not to "promote continued grazing damage" but rather to discuss ways of managing livestock grazing to be compatible with achieving multiple use goals and objectives. The planning, monitoring, and re-planning portions of the HM planning model are designed to identify both where livestock grazing may be causing undue damage and where livestock grazing can be used as a tool to accomplish specific resource goals. The participants of the HM group include a diverse mix of parties, including Federal and state agencies (Nevada Department of Wildlife) that all have a say in the creation of the annual grazing plans and the post-season assessments of how the year went.

Comment #23: *BLM must prepare an EIS to evaluate a full range of alternatives – based on current science – that do not include the anti-science, livestock industry myths of "holistic" management. If the rancher wants to practice holistic grazing on private lands – that is the perfect place for it, and the irreversible trampling, weeds and other damage it may cause. To subject public lands to an open-ended and uncertain grazing scheme in the EA thwarts the mandates of the TGA, FLPMA, and other applicable laws, regulations and policies to manage public lands. Moreover, in the loose and uncertain grazing schemes as described, the agency basically cedes control of the annual grazing scheme to the HRM group. Grazing changes on an annual basis are based on the whims and desires of the group (and driven by the permittee and ranch economics). Greatly increased grazing use – with no cap other than the total AUMs per*

allotment and use during any season – can occur. Under TNR, anunspeofied number of additional AUMs may be allowed – with no valid analysis having been conducted of the environmental effects.

What the HRM group actually does is to take over control of public lands- and make all uses secondary to the permittee's grazing desires.

BLM must evaluate the time and cost to the public that agency participation in the group - where it becomes one of many parties in a "team". How much has the HV HRM already cost taxpayers? How much will it cost over the 10 year life of the permit?

Response: The BLM does not surrender control or management of public lands through this process. The agency does participate and facilitate the process, but at the end of the day any team recommendations are encapsulated into a grazing application that the permittee submits to the BLM. The HM team does provide an open environment for the exchange of ideas and information, but it does not guide or dictate Bureau policies or management of public lands.

Comment #24: *One-time placement of salt, minerals, molasses, supplement (typically lavishly used under holistic grazing) may destroy nesting habitats for sensitive species in old growth and mature big sagebrush or low sagebrush – that takes 30-60 years or more to reach maturity. The severe trampling disturbance alters and destroys microbiotic crusts – with such disturbance known to promote weed invasion (see USDI BLM Belnap et al. Technical Bulletin on microbioic crusts). So this disturbance may result on permanent dominance by weeds and loss of sustainable perennial forage. Holistic grazing has no validity in shrubsteppe systems that did not evolve with intensive grazing by large ungulates. See Mack and Thompson 1982.*

Response: This comment may be referring to one of the paragraphs that describe the grazing processes envisioned under HM. The opening paragraphs under the "Grazing Process" section describes the common practices to be employed. Farther down in the description of the grazing process there is a paragraph which states, in part, that "At times, livestock may be concentrated through the use of herding and/or supplements such as protein and mineral blocks, hay and water hauling to accomplish specific objectives set by the HM group, such as to press native seed into the soil and/or cover seed during surface disturbance, reduce excessive shrub canopy cover to promote an increase in grass and forb production and cover, and to round streambanks". This may be the part referenced by the commenter. As stated in the above description, livestock would be concentrated to "…accomplish specific objectives…". These treatments would be designed to improve resource conditions for multiple uses. The commenter specifically refers to their concern about the placement of salt, minerals and molasses supplements to accomplish these specific treatments. Placing supplements in an area to concentrate livestock for the purposes of achieving certain treatment objectives, such as reducing excessive shrub canopy cover, would be expected to reduce the shrub canopy cover of less than a few acres, at most, and probably less than one acre during any one year. For the purposes of reducing shrub canopy cover, the placement of supplements would, in most cases, occur for only one period of use. Upon completion of the treatment, the same treatment would not likely be needed again for many years. The commenter even suggests that it may take 30-60 years for the shrubs to again reach maturity. Soil compaction would be temporary, lasting only a year or two. The selected treatment areas would normally have enough grass and forb species in the understory to

dominate the disturbed area when the shrub cover is reduced. Additional desirable seeds may be broadcast across the treatment area to further ensure that weeds, if any, are only a minor component of the area.

Comment #25: *The FONSI at 9 acknowledges that the Hubbard Vineyard allotment contains habitat for the federal candidate species, Columbia spotted frog. Holistic grazing may trample and destroy frog egg masses, adversely compact riparian area soils and vegetation, and lead to long-term loss in water quantity as eroding, trampled, head-cutting sites result in shrinking and drying of riparian areas, with eventual loss or reduction of surface flows. Manure from very large herds of livestock may pollute waters critical to frogs, and livestock effects may*

Response: BLM monitoring data shows that the vast majority of the riparian and wetland areas that could support Columbia Spotted Frog habitat are showing significant improvements since the implementation of the HM planning process.

Comment #26: *The full array of foreseeable disturbance from other activities – ranging from expanded barite mining disturbance to new powerlines/utility corridors or other infrastructure that fragments habitats for shrubsteppe species such as Sage Grouse (see Connelly et al. 2004, Knick et al. 2003, Dobkin and Sauder 2004)– must be fully examined in an EIS. What new utility lines, corridors, mining or other disturbance including vegetation treatments or manipulation - are foreseeable in or near these lands?*

Response: All current and reasonably foreseeable actions that may affect the Hubbard Vineyard Allotment are detailed in the Cumulative Effects section of the EA.

Comment #27: *While the EA proposes even more livestock projects than already exist, there has never been a systematic accounting of the location and condition and ecological effects (such as reduction in surface flows, pollution of water, loss of frog habitat, loss of sage grouse habitat, weed proliferation and spread, etc.) that has resulted form the existing livestock projects and facilities in the Hubbard Vinyard allotment and surrounding lands.*

Response: The BLM considers this information in the Cumulative Effects section of the EA.

Comment #28: *The full range of cumulative effects must be analyzed. These include large-scale recent losses of shrubsteppe habitat on BLM lands north of Wells and Elko – including in the Jarbidge-Cottonwood area, in O'Neill Basin (within past 5 or 6 years), near Charleston, in the Salmon River allotment, and the Jardbige BLM Field Office to the north – and other areas. This makes the remaining unburned lands of the HV allotment even more important as habitat for sage grouse, pygmy rabbit, loggerhead shrike and other rare and declining shrubsteppe species.*

Response: The EA set the cumulative impact boundary at the Hubbard Vineyard Allotment boundaries. The BLM recognizes that the lands in the allotment provide valuable habitat for many species, and the agency seeks to promote a diversity of habitat types.

Comment #29: *BLM must prepare a full and detailed analysis of the current status of habitats and populations for all sensitive species here. What effects will recent fires, for example, have on sage Grouse populations at the local and regional scale? How can the lands of the HV allotment*

be managed to minimize the effects of livestock grazing – rather than maximize such effects – as may be occurring as under the current intensive trampling and disturbance 'holistic' regime? Where are all lek sites, Pygmy Rabbit habitats, Loggerhead Shrike nesting sites, Spotted Frog habitats on the allotment, and how will the intense grazing disturbance, season of use, etc. affect these species and their habitats and populations?

Response: The Hubbard Vineyard Environmental Assessment (BLM/EK/PL-2008/001) contains a complete and detailed list (Table 2) of all Special Status species that are known or likely to occur within the Hubbard Vineyard Allotment. Appendix 1 of the Environmental Assessment lists the migratory birds that are likely or known to occur, based on bird surveys conducted on the allotment as well as the various habitat types present in the allotment. The EA provides additional detail regarding the current habitat status for the sensitive species as well as the environmental impacts associated with the alternatives including the Holistic Management alternative in Section III., AFFECTED ENVIRONMENT/ENVIRONMENTAL EFFECTS.

Habitat assessments for Special Status species as well as Non-Special status species are presented in detail in Section 5.2.7 in the Hubbard Vineyard Allotment Evaluation (Wildlife Habitat Conditions) and on page 54 under the Habitat Standards and Guidelines section. This section contains detailed population information regarding sage grouse as well as nest success for birds within this area.

The status and general location of leks within the allotment are displayed on Map 7 in the Environmental Assessment. Spotted frog locations, etc. will be updated in the final EA.

Comment #30: *The FONSI at 3 claims that the EA contains "measures to protect prevent adverse effects" to "several species of concern" and the federal candidate Columbia Spotted FGrog. But it never provides the site-specific baseline information – including based on current surveys for species occurrence and habitat condition – or the necessary analysis of the adverse effects of holistic grazing on habitats and populations – to enable BLM to substantiate such claims.*

Response: The EA analyzes both beneficial and adverse impacts to all resources that may be caused by the proposed action. See the response to comment #29 for a discussion about the need for site specific surveys.

Comment #31: *There is no adequate assessment of the effects of the current maze of fences (just claims that many more miles of fencing projects (18 or more) are needed– as well as an unknown number of new spring projects – may be needed. There is no baseline analysis of the effects of the existing projects. There is no analysis of the effects of any "temporary" electric fencing that holistic grazers are so fond of. Has this been used here in the past five years or up to the present? If so, where? Has its use shifted and altered grazing to enable meeting standards in some areas, while sacrificing other lands outside fencing areas? Please provide a detailed analysis of the effects of all such fencing, salting/supplementing/feeding, water hauling, water piping, etc.*

How many more miles of fence or other facilities have been built since the permittee began the holistic grazing? Why in the world is any more fencing or other livestock facilities needed when

the permittee lives right by the allotment, and the claim of holistic grazers is that they are always paying close attention to their livestock? Please consider having the permittee hire a herder and require diligent herding and reporting on activity as a Term and condition of the permit, as a viable alternative to the huge amount of new fencing – 18 miles at$ 6000 per mile. Or perhaps the collaborative group members could take turns herding – since they are so enraptured with the cattle use on HV. Instead of examining a proposal to build even more facilities, an EIS here must examine a full range of alternatives, based and developed on a systematic examination of adverse effects of facilities. That survey and analysis must identify projects that are impairing habitats for removal. For example, what fences may conflict with Sage Grouse uses and movement – as causes of collision mortality or injury, fence perches for nest predators, fence perches for brown-headed cowbirds that parasitize migratory bird nests, etc.? See Freilich et al. 2003, Connelly et al. 2004, Ohmart 1996.

What is the current fence density in the HV allotment? What is the current fence density of the Cottonwood, HV and surrounding allotments? The EA reveals 60 miles of boundary fence – and a hundred miles or more of internal fence --- already. How does this compare to other portions of the Elko District? How many fences have been built (and ponds dug and troughs, pipelines put in) since the Holistic grazing scheme commenced? Where are these located? Where are ALL facilities located?

How does current fence density compare to fence densities known to impede antelope use of lands? How will the new fences further conflict with big game, sensitive species, and other uses?

Response: The only uses of electric fencing on the Hubbard Vineyard Allotment came following the 2000 Cold Springs fire and in an attempt to use it to split the Flat Pasture. The fence enclosing the burn area was removed after the burned area attained rehabilitation objectives and the grazing closure was lifted. The Flat fence was experimental in nature and did not last long.

The bulk of the new fences are planned for the northern portion of the allotment, which does not currently have any interior pasture fencing. BLM experiences have shown that using herding has not proven to be an effective method to control livestock distribution, and those permittees who are trying the practice are having only very limited successes. A recent study published by the Society for Range Management evaluated the cost effectiveness of herding versus other methods of livestock controls, which included fencing, early weaning, strategic supplementation, and developing water sources away from riparian areas. The herding evaluated in the study required riders to be present every other day from mid-July through September. The study concluded that herding was the most expensive and least cost effective method of controlling livestock movements, and BLM experiences have been that even daily herding is not enough to prevent livestock from congregating in riparian areas.

Current fence densities do not seem to be impeding wildlife population growth or big game herd or sage grouse use within this allotment. As noted on page 14-15 in the Hubbard Vineyard Allotment Evaluation; populations of all big game animals are increasing with good recruitment rates with the exception of bighorn sheep that had a die-off in 1999 and now exhibit moderate recruitment rates and a stable population. Sage grouse populations on the allotment as measured

at the established trend lek exhibit a continued increase in attendance from 2002 numbers. This information was provided by NDOW biologists.

Comment #32: *What ponds, spring developments. etc. can be removed or re-designed to increase natural flows, enhance watershed functions and or processes, and provide for expanded wet meadow and other habitats important to native species? This should also be examined under a range of alternatives, and as mitigation for continued use. In addition, a large permanently livestock-free reference area or watershed should be established of 10,00 acres or greater in size. This is necessary to test the unsubstantiated claims of HRM, including such things as the effects of HRM on biodiversity, weed proliferation, and other effects - with a non-grazing control.*

Response: The BLM will use existing and future inventories of spring areas to evaluate what existing projects can be re-designed to re-establish or rehabilitate associated riparian areas. Nevada state law requires that water be left at the source area for any new developments. Finally, the BLM has observed and measured improving resource conditions since the implementation of the HM planning process on this allotment.

Comment #33: *The EA is greatly inadequate in analyzing the direct, indirect and cumulative effects of the plethora of projects – and how the construction, maintenance and use by livestock may shift, alter and increase effects on habitats. The "SOPs (Appendix 2) do not provide necessary mitigation or protection for important sensitive species populations and habitats, recreational and other uses of the public lands. Many of the measures may be only temporary,*

Response: The proposed fence projects would be constructed in areas that do not currently have a lot of infrastructure in place and are subject to extended periods of livestock use. Completion of the projects would lead to localized impacts associated with the construction and presence of the projects on the ground, but the better control and distribution of livestock achieved through the projects will lead to better resource conditions on the allotment as a whole.

Comment #34: *Please explain in great detail just what is meant in Appendix 2 by "annual grazing ... will be adjusted in response to drought, fire, or other natural disturbances"? How will it be adjusted? Please describe what is meant her in an EIS. How much (be specific) will AUMs be reduced? What constitutes a drought where AUM reductions or nono0use would occur? What are the effects of over-use in a drought situation?*

Response: The magnitude of any AUM reductions brought about by drought or fire would be in proportion to the extent of the natural disturbance that prompted the reduction. Drought could be defined as an extended period of dryness leading to reductions in the amount of forage growth on the allotment. These are the kinds of issues discussed during the annual planning meetings.

Comment #35: *The fence developments and other aspects of this decision violate the land use plan requirements for protection of habitats and living space for important and sensitive species, as they will impair remaining less developed habitats through intensifying, concentrating and altering livestock se and trailing, trampling, and other disturbance habitats and use of the area.*

Response: Please see the response to Comment #33 above.

Comment #36: *How many of the existing fences in the HV allotment and surrounding lands are post-wildfire fences that have been allowed to remain in place? How many acres, and where – in the HV allotment and surrounding lands have burned in recent years (the past decade)? Where have cheatgrass, annual mustards, white top or other invasive species increased or come to dominate post-fire, or post-holistic grazing and trampling activities, etc.? From our examination HV EA Map 2, it appears that there may already be a hundred miles or more of fences in or on the boundaries of, the allotment. Now, BLM proposes to build approximately 16 or more miles of additional fencing – for a permittee that claims to be a holistic grazer and always out there paying attention to livestock. This defies all logic. Fencing proposals will conflict with mule deer winter range and other big game habitat needs, as well as antelope summer range and bighorn sheep range requirements.*

Response: There are no post-wildfire fences in the Hubbard Vineyard Allotment. The only such fence was a temporary electric fence in the Hubbard Basin/Devil's Table area that was removed following the end of the grazing closure. The fires that have affected the Hubbard Vineyard Allotment are shown on several of the maps enclosed with the EA, and additional specifics of the fires were presented in the Allotment Evaluation mailed to the public on May 4, 2007.

As noted, the "traditional" forms of Holistic Management grazing practices are not employed on the Hubbard Vineyard Allotment. The planning and coordination process amongst interested parties is used, and the grazing system more closely follows a rest-rotation pattern. One third to one-half of the allotment is rested in any given year, with the seasons of use varied across years.

Comment #37: *Why is there no mapping of current cheatgrass occurrence in the understories – or a as a community-dominant here? Why is there no mapping or other analysis of lands at increased risk for cheatgrass invasion or proliferation under the stocking, intensive trampling, and other parts of this EA decision and HRM scheme? Why is there no analysis of the direct, indirect and cumulative effects of the grazing activities in altering wild land fire cycles (see Whiseanant 1991, Billings 1994)?*

Response: BLM personnel have observed cheatgrass in disturbed areas along the eastern portions of the allotment. The intent of the grazing systems is to preserve healthy resilient plant communities that will resist cheatgrass invasions. As noted elsewhere, the concentrated livestock use so often associated with HM grazing practices is not a part of the proposals for Hubbard Vineyard.

Comment #38: *Where has any temporary electric or other fencing been placed, any water haul sites or temporary troughs been placed? Where has any cattle breakage and alteration of vegetation communities through salt or supplement placement occurred? Please provide mapping and analysis of impacts.*

Response: There has been only two temporary electric fences placed on the allotment, one in the Hubbard Basin/Devil's Table area following the 2000 Cold Springs fire and the other used to split the Flat Pasture. The fence around the burn was removed after the fire closure period ended, and the fence in the Flat Pasture was temporary and experimental in nature.

Comment #39: *How have flows at springs and in riparian areas changed over time? Is there older water resource inventory or other information related to flows at all springs, seeps, and drainages here?*

Response: The BLM has some information on water flows. However, the current regulatory environment measures the status of riparian areas through the Proper Functioning Condition assessment process, which evaluates if the components needed for healthy riparian habitats are present and does not rely on variable aspects such as water flows. Anecdotal evidence does indicate that water is present in the ephemeral drainages for longer periods of time now than they were even a few years ago, which suggests that spring and stream flows are increasing.

Comment #40: *Were any PFC assessments conducted before, during, or after livestock grazing use here? We have observed a tendency by agencies to rate springs much better if grazing use has not occurred? Who conducted the PFC assessments – consultants or BLM?*

How are the springs connected within the watershed? What are the cumulative effects of all spring developments, stock ponds, and other livestock facilities, on watershed processes, flows and condition? What are the effects on watershed-riparian conditions for aquatic biota and habitats ranging from redband trout to smaller aquatic species??? How will all the new actions under the EA further increase deleterious or intensify such effects? What is the status (numbers, connectivity and quality of habitat, etc.) of redband trout populations here? Please develop a range of alternatives to restore habitats, increase perennial flows, and re-connect habitats.

Response: The 2003 PFC assessments occurred after most livestock use on the allotment, and the 2007 assessments occurred during livestock use. The available data on redband trout and other riparian and aquatic species was presented to the public in the Allotment Evaluation document mailed on May 4, 2007. PFC assessments were conducted by a combination of BLM employees as well as contracted natural resource employees through Environmental Careers Organizations (ECO) and Great Basin Institute (GBI)

Comment #41: *What areas of the HV allotment have received repeated livestock trailing or other use in the course of the grazing year? What have the effects been? Where will trailing occur under the new complex scheme?*

Response: Actual use for the allotment is presented in the Allotment Evaluation document mailed to the public on May 4, 2007. Trailing livestock has occurred when livestock have been moved from pasture to pasture; however, this type of livestock use is incidental in nature, as each herd tends to use two or three pastures each year and more often than not the pastures are contiguous to each other. Most trailings tend to occur along existing roads or livestock trails.

Comment #42: *What is the status of the bighorn sheep population here? What have been the trends in this population since re-introduction occurred? What can be done to minimize disturbance during sensitive and critical periods of the year for bighorn? Research shows that when cattle move into an area, bighorns move away. The loose and open-ended grazing scheme would allow grazing during lambing, wintering and other sensitive periods. The population of bighorns here is confined to a small area – and hemmed in by domestic sheep grazing in the*

notoriously degraded Salmon River allotment to the east – where Elko BLM steadfastly to remove the disease-ridden domestic sheep from this allotment also grazed by a greatly excessive number of cattle. Domestic sheep trailing also occurs near (is there any area within?) the HV allotment to the west or north. Please provide a full analysis of the effects of grazing in the area on the bighorn population. What are the grazing and disturbance patterns associated with the Cottonwood allotment – where HRM is also supposed to be practiced? How has bighorn habitat in the Badlands area been affected by grazing, fire and other disturbance over the past decade?

Response: The BLM provided the status of the bighorn sheep population in the allotment evaluation document mailed to the public on May 4, 2007 on page 14. NDOW figures show that the sheep population suffered through an apparent disease related die off around 1999; however, the population is considered to be stable with a moderate recruitment rate. Domestic sheep grazing or trailing does not occur within the Hubbard Vineyard Allotment.

Since 2002, under the current HM process, the pastures which comprise the primary use areas for bighorn sheep (Hubbard Basin, Cold Springs, Devils Table) have been rested completely three out of six years. They have only been used during the lambing period three out of six years and there has been no winter use.

The Hubbard Vineyard Allotment Evaluation states on page 43 that "Approximately 19% of the occupied bighorn habitat burned in the Cold Springs Fire (2000). As a result of the fire vegetation was converted from primarily a sagebrush dominated community to a perennial grass and forb dominated community, which are preferred forages for bighorn sheep. (Van Dyke, et al. 1983)."

Comment #43: *The provisions of the EA that could enable changes in livestock use are alarming – as grazing of sheep or goats would result in transmission of fatal diseases to bighorns. Besides livestock effects on bighorn, the full effects of livestock diseases, and West Nile virus that may be enhanced through livestock trampling, ponds and water sites – must be fully examined. See Holloran and others – discussing effects of stagnant water on promoting mosquitoes that harbor West Nile fatal to Sage Grouse, migratory birds, and other wildife – as well as adversely affecting human uses and enjoyment.*

Response: The EA at page 7 states that additional NEPA reviews would be required should a change in type of livestock from the currently authorized horse and cattle is ever considered.

Comment #44: *We are deeply concerned about the full range of grazing and other disturbance to the Badlands WSA in the Devils Table area. What is the current ecological condition, presence of invasive species, habitat conditions, etc. across the WSA? How close to the WSA does the new fencing proposal come? How will use under the actions here intensify damage to the WSA? How is "holistic grazing" affecting the WSA values –primitiveness, naturalness, wildlife values, etc?*

Response: The Badlands WSA encompasses 9,164 acres of land. Of these, approximately 218 acres- or 2.4% of the WSA- lie within the Hubbard Vineyard Allotment. The Wilderness recommendations consider 176 of these acres to be suitable for Wilderness status, while the remaining 42 acres are considered to be not suitable for Wilderness status. The WSA lies in a

portion of the allotment that sees only incidental livestock use, and no range improvement projects are contemplated to be built within the WSA. The EA concludes that the proposed action and alternatives would not substantially change livestock impacts within the WSA.

Comment #45: *In "Changes to the AE" (Summary Report), BLM claims that Leo Spring and some other areas are now in PFC. This appears to be the result of fencing. If areas are fenced off - then use is simply extended or shifted to new sites. What is the condition of any remaining wetland/riparian area outside any new fencing here? Have assessments been done on such areas? It is our observation that remaining wetland areas outside any "exclosure" fencing deteriorates and soon is lost due to desertification and desiccation processes.*

BLM is comparing apples and oranges when it claims that PFC assessments show improvement in comparison to surveys conducted in 1980-1981 –PFC is a minimal examination, and is not really related to the ability to support aquatic biota or habitat condition and other factors. PFC does not ensure that water quality standards are attained. What was the meaning of "good" then –and where is all of the other information about flows, flow reduction, etc? Please provide all of the data referred to in an Appendix so that BLM's rosy conclusions can be understood.

If BLM is going to claim "improvement" it must re-examine ALL of the components measured in 1980s – including flows.

This claim is as bogus as BLM's reliance on water quality measurements many miles outside and downstream of the allotment. Here, BLM has failed to conduct necessary site-specific studies to determine water quality. It is as weak as BLM's other rosy predictions – based on the loose and highly uncertain grazing scheme and management activities to occur here. The uncertainty over just what will occur

Response: No additional springs have been fenced between the first PFC assessment in 2003 and the second PFC assessment in 2007. The 2003 assessments occurred in the fall of the year, while the 2007 assessments occurred in the spring and early summer. The Changes to the Evaluation document outlines observed changes between the two assessments.

The BLM disagrees with the characterization of the PFC assessment process. Proper Functioning Condition is a qualitative method for assessing the condition of riparian wetland areas. The term PFC is used to describe both the assessment process and a defined, on the ground condition or riparian wetland areas.

The PFC assessment refers to a consistent approach for considering hydrology, vegetation, and erosion/deposition (soils) attributes and processes to assess the condition of riparian wetland areas. A checklist is used for the PFC assessment, which synthesizes information that is basic for determining a riparian wetland area's health.

The on the ground condition termed PFC refers to how well the physical processes are functioning. PFC is a state of resiliency that will allow a lentic riparian-wetland area to hold together during wind and wave action events or overland flow events, with a high degree of reliability. This resiliency allows an areas to then produce desired values, such as waterfowl habitat, neotropical bird habitat, or forage over time. Riparian wetland areas that are not

functioning properly cannot sustain these values. The BLM equates the good condition class from the 1980 spring surveys to mean Proper Functioning Condition today.

To obtain site specific water quality measurements would require placing water quality assessment devices in Salmon Falls Creek at both boundaries of the allotment. These have not been done and are not likely to be done. There are many land uses and resource condition factors that contribute to the water quality of the creek. The improving riparian conditions observed across much of the Hubbard Vineyard Allotment only serves to improve the water quality on the allotment.

Comment #46: *What exactly is meant by decadence in sagebrush? What the HRM group terms decadence is the essential older and mature sagebrush and other shrub habitat structure that is required by many sagebrush-dependent species. Use of such terms shows that BLM seeks only to further manipulate or kill sagebrush to extend livestock forage on lands woefully depleted by the "holistic" grazing scheme. Please see Welch and Criddle (2003) describing the biases against older and mature vegetation that BLM continues to parrot – so as to set a basis for further loss and destruction of shrubs in efforts to grow cow food on depleted ranges.*

Response: The BLM recognizes that mature sagebrush stands provide important habitat for various wildlife species. However, as the sage grouse guidelines and habitat preferences suggest, most wildlife species depend on a wide variety of habitats for various parts of their life cycles. Exclusion of fire from these ecosystems coupled with the impacts of historic grazing practices has led to monocultures of mature sagebrush with essentially closed canopy covers. Natural cycles would see some sort of periodic disturbance remove some of this sagebrush, which would lead to a patchwork of differing sagebrush age class and form structures across the landscape and provide for the differing habitat types required by the wildlife species that depend on these lands for their habitat. "Decadence" as referred to in page 54 of the Hubbard Vineyard Allotment Evaluation refers to "dead" sagebrush.

Comment #47: *Please provide a full and detailed analysis of all livestock seedings conducted here over all years. What is their current condition? WWP has observed that the seedings have been early completely destroyed by excessive livestock use, and overstocking. How much of the stocking rate has been/now is based on long-gone production in these seedings?*

Response: The BLM provided the information on the condition of the seedings in the monitoring summary section of the Allotment Evaluation document. The history of the seedings is detailed in the Livestock Grazing section of the EA. The stocking rates suggested by the evaluation are based on current monitoring data and observations.

Comment #48: *Why were reference exclosures not maintained here? BLM and the permittee have allowed expensive study exclosures to fall apart over the years. Yet, in the EA, BLM plans 16 or more miles of new fencing – yet has not even managed to keep exclosures that large amounts of tax dollars were spent on intact. This is certainly not conserving and enhancing habitat, or meeting Objectives.*

Response: One reference exclosure exists on the allotment. University of Nevada-Reno researchers constructed the exclosure around some trial plantings of various grass seedings

decades ago. All official research trials and studies linked to this exclosure have long since ended, and there is no obligation on anyone's part to maintain it.

Comment #49: *Who conducted all PFC and other assessments here? We are very concerned that BLM has allowed the permittee/holistic group info to be used as data. Where are data that show current redband trout populations here? How many miles of streams are currently occupied? How does this compare to previous surveys?*

Response: See response to Comment # 40**.** Nevada Department of Wildlife is responsible for monitoring fish populations, not BLM. The BLM provided available data collected and provided by NDOW on presumed redband trout in the Allotment Evaluation.

Comment #50: *BLM has steadfastly avoided conducting analysis of current Ecological Site Inventory studies here, and other studies necessary to understand attainment (or failure to attain) RMP objectives and support the very high stocking. It has also avoided fully assessing the extent of invasive species infestation in the allotment.*

Response: BLM completed ESI and other trend studies at multiple key areas in the allotment and presented the data and conclusions in the Allotment Evaluation document that the agency mailed to the public in May 2007.

Comment #51: *Where is the necessary data that shows Actual Use over all years of the Evaluation period? Where is the data that shows utilization, Use Pattern Mapping, stubble height, riparian and upland browse, bank trampling, and all other information over the past 20 years – by pasture or use area? Please provide this in an Appendix, along with any records and monitoring of TNR use. This is necessary to understand the ability of the land to sustain livestock use and set a stocking rate. Please also provide information for all measurements and monitoring information here on who collected the data – BLM or the permittee.*

Response: The BLM provided the requested data to the public in the Allotment Evaluation document that was mailed on May 4, 2007. There has been no TNR use applied for or approved in the Hubbard Vineyard Allotment.

Comment #52: *As part of this protest WWP attaches and incorporates as if cited in its entirety here the decision by Administrative Law Judge Andrew Pearlstein that remanded the Owyhee BLM Field office's decision authorizing livestock grazing on the Nickel Creek allotment in Owyhee County, Idaho. Judge Pearlstein makes very clear that it is a violation of FLPMA not to include so-called management guidelines as terms and conditions of the grazing permit (please see this part of the Judge's decision starting on page 100).*

Response: The Elko Field Office has reviewed the referenced decision and evaluated it for applicability to the Hubbard Vineyard Allotment. The summary of the part of the decision referenced in the comment tends to indicate that the "management guidelines" in the Nickel Creek decision are not part of the terms and conditions of the permit. This would not be the case in the Hubbard Vineyard Allotment, as all "management guidelines" and other stipulations laid out in the management plan will be incorporated into the terms and conditions of the permit.

Comment #53: *Where is the necessary mapping of cheatgrass and other invasive species presence here? This (cheatgrass mapping) available for all Nevada BLM lands, and current info must be provided.*

Response: Please see response to comment #37 above.

Comment #54: *Where is the analysis of the extreme depletion and other adverse impacts to the various seedings here? Why were old exclosures in the seedings allowed to deteriorate? Even with deterioration and the fences becoming dilapidated we have observed a vivid contrast between grazed and partially protected areas here.*

Response: Please see the response to comment #48 above.

Comment #55: *The EA provides insufficient detail to allow understanding of what the holistic prices entails, the science (if any) it is based on, and specific details on how livestock grazing will be managed on these public lands.*

Where is a specific schedule, year by year, that limits livestock use, and prevents repeated bouts of trailing, grazing or other intrusion?

Where is any data or analysis that provides for stocking of pastures based on ecological conditions, sensitive species conflicts, production, capable acres, etc?

Response: The holistic management process described in the proposed action section of the preliminary EA provides a substantial amount of information on how the process would work including guidelines for livestock use. We have expanded that description to include some additional details on the process.

The following provides some additional information regarding how livestock grazing has been managed on the Hubbard Vineyard Allotment over the past 3-5 years.

The permittee manages several separate herds of cattle including a cow/calf herd, a yearling heifer herd, and a yearling steer herd. Early in the HM process on this allotment there has been the desire to periodically defer and rest substantial areas of the allotment from livestock grazing during critical growth periods consistent with the guidelines described in the "Standards and Guidelines for Rangeland Health for the Northeastern Great Basin Area of Nevada" to promote plant health and reproduction beneficial for both upland and riparian areas. Management changes through the HM process have allowed progress towards this desire for the past 3-5 years. For example, when the cow/calf herd grazes the Devils Table, Hubbard Basin, and Cold Springs use areas on the north end of the allotment, we have been resting the Flat Pasture and the Coon Creek pasture or the Triangle pasture or the Middle pasture on the southern portion of the allotment. During the next year, the Devils Table, Hubbard Basin, and Cold Springs use areas have been rested with the cow/calf herd rotated to the Flat pasture and other pastures on the southern half of the allotment. In addition, 2 of the 3 mountain pastures (Jakes Creek, Dry Creek, and Bull Camp) are also rested each year. Deferment and/or rest from livestock use are incorporated into the planning for the yearling heifer and steer herds as well. We have already reported significant improvements in stream and spring riparian habitats through this HM

collaborative process. The environmental assessment also describes the benefits that are occurring within upland habitats during this same time. Planned deferment and/or rest along with the other guidelines described in the proposed action are expected to continue to improve upland and riparian conditions and habitats.

Based on what has been planned and implemented since we began the HM collaborative process on the Hubbard Vineyard Allotment, which has partly been described above, we have a better idea of what kinds of management practices are likely to be proposed in future HM planning meetings. The proposed actions also include proposed range improvement projects that give further insights into our plans to install additional infrastructure to further improve management and improve and maintain resource conditions. In addition, stocking rate recommendations will be included in the discussion based on the carrying capacity analysis provided in the last monitoring report. Thus, there is some framework upon which we have and will refer to in discussing our future plans for management which could be formed into a structured grazing system with specific dates and pasture rotation schedules. However, the HM process provides a greater degree of flexibility to adjust management compared to grazing systems with more specific schedules. This sort of flexibility provides an ability to react more quickly to changed/changing conditions and suggestions for changes in management compared to management with more structured grazing systems. We believe this greater flexibility to plan and manage, within established guidelines and on the basis of achieving the goals and objectives for public lands, is more desirable on the Hubbard Vineyard Allotment where we have a permittee and other interests committed to the HM process.

Comment #56: *What is meant by the greatly unspecific "target" utilization description? These levels are far to high for lands grazed at any time of the year –but particularly during the active growing season for native species.*

Response: The target utilization levels are the maximum utilization levels allowable under the existing land use plans and monitoring guidelines. The language in the grazing planning section states that livestock grazing will be deferred until after the end of the growing season in two years out of four, which will limit the amount of livestock use allowed to occur during the critical growing season.

Comment #57: *There is no certainty that any collaborative "team" will make science-based decision – but instead is likely to be swayed by the excuses of the permittee.*

There is absolutely no certainty that grazing use will not conflict with wintering wildlife, and other important uses of the public lands. Example: EA at 7 – grazing use can occur –at ANY TIME!

Even worse, the EA leaves the door wide open for the "team" to inflict even more developments on this already greatly over-developed allotment. We again stress that there is no mapping or adequate analysis provided of the full array of facilities here.

There is no certainty of any kind associated with the 'team". BLM essentially is turning much of the management of the public lands over to private interests – that is in reality what this decision does.

Response: The BLM does not surrender control or management of public lands through the HM process. The BLM does participate in the HM process, but at the end of the day any recommendations made by the team go to the permittee who submits them to the BLM as a grazing application. The HM process does provide an opportunity for interested parties and agencies to be heard in annual grazing planning, and the permittees are far from being in a position to run the show. Any and all projects contemplated beyond those included in this analysis would be subject to NEPA reviews.

Comment #58: *The door is left wide open to graze TNR and other AUMs here – without any public input and analysis. WWP's bitter experience with Jarbdige BLM lands shows that this leads to accelerated declines in native communities and biological resources – as well as relentless permittee pressuring.*

Response: TNR use has not been asked for or granted on the Hubbard Vineyard Allotment. Indeed, on average between one-third and one-half of the Hubbard Vineyard Allotment is rested in any given year. The EA clearly states that "any use in excess of permitted AUMs on lands administered by the BLM would require approval by BLM as a "Temporary Non-Renewable (TNR) use, and may require additional review for compliance with NEPA". This language will be changed to read "…use, and would require…" TNR use would only be considered in areas that are below the 50% use objective and any additional use could not exceed 50%.

Comment #59: *The EA only refers to "may" require NEPA analysis – and provides no reliance that such analysis would occur – or that there would be any public involvement. In fact under the new BLM CE policy, nearly all the many significant actions loosely references as potentially occurring or referenced here could be conducted under CEs – with full NEPA analysis abandoned.*

Response: See response to comment #58 above. The comment also mischaracterizes the new BLM Categorical Exclusion policy. BLM had proposed that approval of a TNR application be added to the list of rangeland management actions that could be excluded from preparation of an EA or EIS (71 FR 4159-4167, January 25, 2006). However, based on comments received and further review of the analysis supporting the proposed CE, BLM dropped it from the revised list (72 FR 45521, August 14, 2007).

Comment #60: *There is no assurance provided ecological status has been improved, that habitat for all seasonal big game use has been improved or maintained, that reasonable numbers of big game are being met, that unfenced springs and seeps have undergone any improvement or that they have not been further headcut, desiccated, and gullied.*

Response: The issues raised in this comment were dealt with in the Allotment Evaluation document mailed to the public on May 4, 2007. See responses to #31 and 42.

Comment #61: *The so-called "Resource Protection" measures are far from resource protection. BLM is required by law to issue a grazing permit. This is not "resource protection". Treating weeds is also required under law. BLM policy is to manage according Sage Grouse Guidelines (not in particular as adapted for Nevada – where numerous excuses are provided for*

failure to meet grass height and other requirements for Sage Grouse as the Ag. Industry – including parties to this HRM Process have been promoting a series of excuses for ranchers in Nevada failing to meet cover requirements). This decision, unfortunately, does not even do this;

There is also no systematic examination of flows and other features and environmental variables associated with springs, seeps streams and all water developments to guarantee that water will be left at source … and to provide for establishment and maintenance of riparian habitats.

Response: Please see the responses to comments #32, #39, and #45 above.

Comment #62: *There is not an appropriate range of Terms and Conditions and mitigation measures provided. Lacking are required measurable standards of livestock use and specified required annual use periods with stocking rats per use area applied. This is all necessary t protect sustainable perennial forage here, and to that limit trampling damage to riparian and upland habitats, avoidance of hot season grazing use on springs and seeps, modern-day limits of grazing use of upland vegetation – so that essential sage grouse nesting habitats can be provided. All use should be limited to levels that provide 7 to 9 inches of residual grass cover remaining in sage grouse habitats.*

Response: The issues raised in the comment are dealt with on an annual basis through the plan, monitor, and re-plan components of the HM planning process.

Comment #63: *A sagebrush nipping/breakage standard of less than 10% should also be applied to limit the impacts of cattle, especially under HRM practices that aim to destroy shrub cover. This limit may need to be lowered in areas already affected by HRM practices to any significant degree. It is necessary to prevent the alteration of shrub cover essential for nesting migratory birds, sage grouse and Pygmy Rabbit. Please see the March 2003 Federal Register Rule for ES listing of the Columbia Basin DPS of the Pygmy Rabbit to better understand the importance of dense sagebrush cover and other important habitat features for this species.*

Response: Please see comment #46 above.

Comment #64: *The O'Neill/Salmon HMP goals and objectives have not been shown to be met, and necessary site-specific surveys to determine the degree of progress being made have not been done. The FRH and EA Process is inadequate, and based on much conjecture and unproven assertions. Additionally, what changes have occurred at the local and regional level to affect wildlife populations since these goals were laid out (see EA at 4-5).*

Response: The BLM provided the requested information in the Allotment Evaluation mailed to the public on May 4, 2007.

Comment #65: *There is no certainty that the Propose Action (or any of the range of grazing alternatives here) would "continue to or provide for attainment or significant progress" toward the FRH Upland, Riparian Habitat, Habitat, Cultural, or many other requirements under the Fundamentals of Rangeland Health.*

Response: The BLM disagrees. The flexibility accorded to the HM group to adjust annual grazing use to the local conditions, and the sideboards on that use specified within the planning process language in the proposed action, will continue to meet or make significant progress towards meeting the Standards for Rangeland Health.

Comment #66: *BLM also claims that it will remove or retire non-functioning or non-necessary projects – but has never provided info and analysis necessary to identify these and require that this occur under any decision here. Which projects are these?*

Response: This document does not seek to identify specific projects. The process outlined will be on-going.

Comment #67: *EA at 5 claims that HRM (HM here) "strives to optimize biodiversity and health of the land in order to achieve ecological, economic, and social goals". There is no definition of what is meant here by biodiversity – as the practices destroy microbiotic crusts opening the door for weed invasion, flood sensitive species habitats with livestock during critical periods of the year, and otherwise conduct grazing in a manner that maximizes disturbance of nearly every acre of land – the type of "biodiversity" fostered must be weedy and common species – while forsaking the needs of sensitive biota.*

There is no systematic method presented for measuring current or altered biodiversity as HRM continues. "Collaboration" may result in decisions that sacrifice important values and resources of the public lands for the economic goals of the permittee. There is no certainty that current ecological science, or even range tenets, will be followed.

It is simply impossible to understand just how livestock use will occur under the EA at pages 5-12. The text is riddled with uncertain, loose and completely malleable terminology that provides no specific course of grazing action. Plus, it allows the "collaborative" group to annually alter and change management.

How is "optimize" defined? What parameters will be used to make specific decisions? (EA at 6).

The private ranch becomes the center of how public lands will be treated – to the detriment of many other uses of these lands. See EA at 6.

One-time mistakes in the highly uncertain "annual grazing" plan changes may result in irreversible damage to soils, microbiotic crusts, vegetation communities, habitats, etc. –and this further necessitates preparation of an EIS. No specific measuable criteria are applied to determine how changes would be made.

Response: The plan, monitor, and re-plan components of the HM planning process take into account the concerns raised in this comment. The BLM notes that many differing viewpoints are present on the HM team, and that the entire purpose of the planning process is to get diverse viewpoints and opinions accounted for in the resulting decisions. Much of the annual planning processes are left up to the group to come to a consensus on during the planning meetings. If anything, the HM process ensures that the other uses and users of the public lands are accounted for in the private land management in a way that would not occur outside the HM process. As

noted elsewhere, the classic type of grazing management usually associated with the HM process in not in place on the Hubbard Vineyard Allotment and is not considered for implementation.

The permittee may bring an economic goal into the meetings, but it must be meshed with other goals that the other users of the land have. The premise is that better decisions will result from the collaborative management process in which all parties have an obligation to participate and the freedom to ensure that their interests are accounted for.

Comment #68: *Calculated carrying capacities are greatly inadequate for determine the full range of effects of grazing livestock – as they can be manipulated by placement of salt, say – at sites away from where monitoring may occur so as to lessen use measured, and otherwise rigged.*

Response: The premises that the calculated carrying capacities are based on are outlined both in the Evaluation and in the EA. The BLM did not rely on key area utilization alone is setting the recommendations.

Comment #69: *The current ESI, production of perennial vegetation, and other studies including capability of the lands to withstand livestock grazing and trampling –have not been conducted here.*

Response: The BLM did complete these studies, with the results and conclusions provided to the public in the Allotment Evaluation on May 4, 2007.

Comment #70: *A precedent set in HV HRM may affect land areas much greater –as we understand the permittee in the Spruce allotment wants a "collaborative"/holistic group in order to try to eke out more AUMs on greatly depleted lands . In that circumstance, the livestock industry has long sought significant destruction of native vegetation communities to promote livestock forge – very expensive taxpayer-funded "treatments", a 90 mile livestock water pipeline, and other deleterious actions. If BLM allows the livestock industry to get away with the highly uncertain HRM grazing scheme in Hubbard Vineyard, it sets a precedent for other permittees to do the same – basically setting up a "collaborative" group to support actions that place private economic interest and "going along to get along" at the forefront – and that may act in direct contradiction to current ecological science and many of BLM's regulations and environmental laws.*

Response: This comment shows a lack of understanding of how HM is applied on the Hubbard Vineyard Allotment. The permittee on the Spruce Allotment is primarily interested in the opportunities the HM planning process provides for the diverse and often competing land use interests in their allotment to meet and resolve issues relating to all land uses on the allotment.

Comment #71: *There is no certainty on the level and degree that AUMs may be exceeded in any pasture – BLM has not conducted any valid analysis of the effects, of say, grazing ALL AUMs in one pasture in any one year – and issuing TNR in all the others – or various other permutations permissible under the nearly anything-goes grazing scheme.*

How many AUMs ARE associated with each pasture in 2007– under all alternatives? BLM can not base stocking on the old 1997 AE – when lands have burned, been intensively trampled under HRM, new projects have been built, etc.

It is invalid to base stocking on supposedly "normal" years with adjustments – as this does not take into account the effects of depleted communities, prolonged drought, global warming, and other factors.

Response: Please see responses to comments #51, #58, and #68, among others.

Comment #72: *It is clear that BLM must evaluate a full range of alternatives that base stocking and use and use patterns and seasons on a significant reduction in livestock numbers (see Holechek, Galt and other papers below), and application of strict and enforceable modern-day conservative use standards. See the Nickel Creek Decision Attached, and alternatives described there. In addition, in the case of holistic grazing significant – restrictions on upland trampling and shrub alteration must also be put in place here.*

Response: As noted in numerous responses within document, the type of high intensity grazing management traditionally associated with HM is not being employed on the Hubbard Vineyard Allotment. The "full range of alternatives that base stocking rate and use patterns and seasons on a significant reduction in livestock numbers" in itself makes reference to only one narrow alternative- substantial reductions in livestock numbers. The BLM considered this alternative and did not elevate it for complete analysis due to the reasons stated in the EA.

Comment #73: *The cumulative effects analysis greatly fails to examine the depletion of surrounding lands by livestock, fire and other uses; the level and degree of habitat disturbance and fragmentation that exist across the local and regional area – and many other conditions and effects.*

Response: Please see the response to comments # 26, 28, and 33 above.

Comment #74: *Finally, since the HRM scheme claims to be concerned about biodiversity and other factors, it should integrate all the relevant information from the 2006 United Nations Report (Steinfeld et al. 2006) on the role of livestock grazing in causing global warming and processes that re related like desertification and loss of biodiversity – into an EIS analysis. Only then could all of the rosy claims be tested or examined in a true modern day context, and a valid assessment of the grazing schemes be conducted.*

Response: WWP has referred the BLM to this United Nations report before. It is interesting to note that most of the recommended solutions in the report are actions that the U.S. Government already took going as far back as the passage of the Taylor Grazing Act in 1934 and include some of the actions planned for the Hubbard Vineyard Allotment.

Western Watersheds Project- 12 November 2007- #2

Comment #75: *We are alarmed that holistic grazers (Hubbard Vineyard) are claiming that*

the Holistic Group is grassroots NEPA. As I thought more about this, it seems that if this group is being used to influence public policy (as the HV HRN'ers clearly think they are), then the BLM, NRCS, the Forest Service or any other federal agency participating or fostering this group may be violating FACA.

We ask BLM to remove itself from such undertakings and spend time focusing on the much-needed restoration processes across large areas of Nevada burned in recent fires, as well as in adopting non-HRM

Relying on the feel-good myths of holistic grazing is counter to all current ecological science.

Please apply these concerns to the nascent Spruce group, the Cottonwood Group, or any others, as well.

Response: FACA refers to the Federal Advisory Committee Act, which provides an orderly procedure for Federal agencies to seek advice and assistance from citizens and experts. FACA applies when an agency seeks to establish, control, or manage an advisory group. In this case, the BLM participates as a member in the HM groups, but does not exercise any sort of control or management in the activities of these groups, and as such is not violating FACA. Any recommendations made by the HM group are directed at the livestock permittee, who submits all plans to the BLM for approval in the form of a grazing application. In the end, the BLM must maintain all decision making authority over actions carried out that affect the use and management of the public lands.

Literature Citations

Van Dyke, Walter A.; Sands, Alan; Yoakum, Jim; [and others]. 1983. Wildlife habitats in managed rangelands- the great basin of Southeastern Oregon: bighorn sheep. General Technical Report. PNW-159. Portland, OR: US Department of Agriculture, Forest Service, Pacific Northwest and Range Experiment Station. 37 p.