



April 12, 2023

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DOI-BLM-NV-L060-0004-EA

COMMENTS FOR THE ENVIRONMENTAL ASSESSMENT FOR THE INDIAN GEORGE LIVESTOCK GRAZING ALLOTMENT (10112) TERM GRAZING PERMIT RENEWAL FOR THE NEED MORE SHEEP COMPANY

On behalf of Public Employees for Environmental Responsibility (PEER) we are writing this letter to the Bureau of Land Management (BLM) to provide comments on the preliminary Environmental Assessment (EA). Thank you for enabling public participation and the opportunity to provide comments. **We fully support implementation of Alternative C, the No Grazing Alternative. Alternative C best supports the Administration’s policy goals to support biodiversity and reflects the Administration’s goals of reducing the impacts of federal programs on climate change, and unlike the two other alternatives, meets the legal requirements of Federal Land Policy Management Act (FLPMA) and National Environmental Policy Act (NEPA).**

PEER is an organization dedicated to supporting current and former public employees who seek a higher standard of environmental ethics and scientific integrity within their agencies. We do this by defending whistleblowers, shining the light on improper or illegal government actions, working to improve laws and regulations, and supporting the work of other organizations.

We are a service organization for environmental and public health professionals, land managers, scientists, enforcement officers and other civil



servants dedicated to upholding environmental laws and values. We work with current and former federal, state, local and tribal employees. Our members live across the country, many of whom recreate on portions of these lands and enjoy their scenic beauty, wildlife and other attributes.

The information in these comments and attachments are being submitted with the expectation that they will be part of the administrative record for this decision.

INTRODUCTION

This permit will lease 52,575 acres of public land for over 2,360 sheep to graze for over seven months at the current permitted rate despite the fact that this is an area that the Bureau has determined is failing their own land health standards. We are deeply concerned about the long-term impacts of continuing current grazing management on the allotment and the proposed recovery measures. We request that BLM reduce the number of livestock to an ecologically sustainable level. Furthermore, we urge BLM to fully assess the climate impacts of grazing prior to making any decisions concerning this allotment.

BLM should use a more balanced approach to grazing that takes into account the long-term health and sustainability of our public lands. BLM can make a difference in ensuring that our public lands are managed in a way that benefits both our communities, ecosystems, and wildlife.

BLM FAILED TO CONSIDER THE IMPACTS OF CONTINUED GRAZING ON CLIMATE IN THE DECISION AS REQUIRED BY ADMINISTRATIVE PRIORITIES

The practice of grazing has a multitude of detrimental impacts on climate that must be considered by BLM in its analysis of the permit renewal. President Biden and the Department of Interior have prioritized that the government take into account climate considerations in all decision-making and take action to address the impacts of climate change on federal lands and resources.



Executive Order 14008, January 27, 2021, "Tackling the Climate Crisis at Home and Abroad." This executive order directs federal agencies, including the Department of the Interior, to take a coordinated approach to addressing climate change. Specifically, it directs agencies to consider the impacts of climate change in their decision-making, including in the development and management of federal lands and waters.

Secretarial Order 3399. "Department-Wide Approach to the Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process." This order, issued by Interior Secretary Deb Haaland, April 16, 2021 directs the department to prioritize climate considerations in its decisions and operations. It specifically calls for the department to identify and mitigate greenhouse gas emissions associated with its activities, and to prioritize the use of science and traditional ecological knowledge in its decision-making.

"The Climate Adaptation and Resilience Plan." This policy document, issued by the Interior Department October 7, 2021, establishes a framework for integrating climate adaptation and resilience into the department's planning, operations, and decision-making. It sets out specific goals and objectives for the department to achieve in order to better address the impacts of climate change on the lands and resources.

It is clear that the agency must consider the impacts of grazing on climate and the impacts of climate on grazing, when evaluating the reauthorization of the permit. The EA fails to do either.

There are a multitude of impacts of grazing on climate. The conversion of natural grasslands to pastures for grazing releases large amounts of carbon dioxide into the atmosphere, contributing to global warming. This process is also responsible for the loss of carbon sequestration capacity of natural grasslands, which are essential carbon sinks that absorb carbon dioxide from the atmosphere. Grazing also contributes to the degradation of soil, leading to the release of greenhouse gases such as nitrous oxide, methane, and carbon dioxide.



Overgrazing of the land can lead to soil erosion, which further contributes to climate change. The loss of soil exposes carbon stored in the soil, which is then released into the atmosphere in the form of carbon dioxide. Soil erosion also reduces the fertility of the soil, making it difficult for plants to grow, further reducing the carbon sequestration capacity of the ecosystem.

Additionally, the intensive grazing of livestock produces large amounts of methane, a potent greenhouse gas that has 25 times the global warming potential of carbon dioxide.¹ This is because cattle and other ruminants have specialized digestive systems that produce methane during the digestion process. The production of methane from livestock is responsible for up to 14.5% of global greenhouse gas emissions.² Another consideration is the transportation of livestock, feed, and other inputs associated with the livestock industry also contributes to climate change through the emission of greenhouse gases such as carbon dioxide and nitrous oxide.

Climate also impacts grazing. One example is that climate change has created a shift in the critical growing season for the plants. However, BLM has not changed the terms of the permit to reflect that fact that now critical growing has moved to earlier time. This means that livestock will have an increased adverse effect on the plant community when the sheep are put out on allotment in March and April.

BLM includes references to increases in mean temperature as causal factors of the failing standards. However, BLM fails to explain how it will manage the allotment for the new normal. BLM is required to consider how climate change will continue to impact the Indian Gorge landscape.

THE LEASEE HAS A HISTORY OF GRAZING TRESPASS AND WE ARE CONCERNED ABOUT A LEASEE RATHER THAN A PERMIT OWNER'S CONSIDERATION OF THE LONG-TERM IMPACTS TO THE LAND

¹ <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>

² <https://www.pbs.org/newshour/show/cow-burps-are-a-major-contributor-to-climate-change-can-scientists-change-that>



It is particularly troubling that the rancher leasing the allotment is County Commissioner Hank Vogler, owner of Need More Sheep Company. Mr. Vogler has a history of repeated willful trespass as demonstrated in a long and protracted case in the BLM’s Hearings Division concerning his grazing privileges on the Tippet Pass allotment in Antelope Valley.

BLM’s attorneys stated, “BLM’s record shows that NMS’s grazing trespass was willful, then repeated and willful. The objective facts in the record show that NMS did not act with good faith or innocent mistake, but rather that ‘NMS’s conduct was so lacking in reasonableness or responsibility that it became reckless or negligent’” However, BLM seems primed to allow the same number of sheep to graze, despite clear evidence that the land is not in good health and it may be that the leases is mismanaging the allotment.

The Indian George allotment renewal also raises questions about whether the owner of the base property, rather than a leasee, like Need More Sheep, may have a more vested interest in the long-term health and sustainability of the land and may be more likely to be proactive in the approach to management. It may be the decisions of the leasee are based on short term profits and not aligned with ensuring land health and productivity for future generations.

BLM USES UNSUPPORTED SATELLITE DATE AND OUTDATED LAND EVALUATION DATA TO SUPPORT THE LAND HEALTH DETERMINATION

The Standards Determination Document (SDD), Appendix B, overwhelming indicates that the land requires a different management approach. The agency has found that much of the land is failing to meet Land Health Standards. According to BLM the Upland Standard, the Riparian and Wetland Standard, and the Habitat Standard are not being met and are not making progress to being met. However, the agency concludes that all of this damage is not caused by livestock.

We have seen recently at BLM, as in this analysis for the permit, that the Rangeland Analysis Platform (RAP) is gaining popularity as a tool for land management planning and decision making. However, there are some



concerns and limitations to the program that need to be addressed by the agency before it should be relied on.

One of the main criticisms of RAP is its reliance on remote sensing data. This can be problematic as remote sensing data may not accurately reflect the actual conditions on the ground, especially for rangelands. Rangelands are highly variable and can have variations in vegetation cover, soil types, and topography. RAP may not capture all of these variations and thus, decisions based solely on RAP analysis may not accurately reflect the actual conditions on the ground.

Another limitation of RAP is its inability to distinguish between native and non-native species in cover calculations. This can be a significant issue in areas where invasive species are present, as they can outcompete native species and negatively impact the overall health of the ecosystem. Without accurate data on the presence and abundance of invasive species, land managers may make decisions that inadvertently harm the ecosystem they are trying to protect. Vegetation cover alone may not accurately represent the overall health of an ecosystem.

RAP is not a substitute for fieldwork. While the data and tools provided by RAP are useful for informing land management decisions, they should be used in conjunction with on-the-ground observations and measurements. The majority of the SDD relies on field data gathered in 2017. Field data can provide a more accurate picture of the conditions on the ground, and can help land managers to identify areas of concern that may not be captured by remote sensing data. This needs to be updated.

There is a lack of transparency in the algorithms and modeling techniques used by RAP. This can be problematic as it is difficult for users to understand how the results are generated and how to interpret them.

Another concern with RAP is its potential to oversimplify complex ecological systems. The program uses a single metric, vegetation cover, to represent the health of an entire ecosystem. This approach can be problematic as ecosystems are complex and dynamic systems with many interacting components.



While BLM is relying on RAP as a tool for land management planning and decision making, there are some concerns and limitations that need to be addressed. Before making management decisions, BLM needs to update the field data to assess whether it is reflected in the RAP

Additionally, the Bureau's range data is outdated –much of it was collected before the three-year drought period–so the land is probably in even worse health than the report suggests. It is essential that the agency takes into account the current conditions when making decisions that will impact the land for the next ten years.

IT IS HIGHLY UNLIKELY THAT HORSES AND ELK ARE THE ONLY CAUSE OF THE ALLOTMENTS FAILING LAND HEALTH

The agency has blamed the wild horse and elk populations for the land's poor condition, but this explanation is not supported by an analysis. Livestock including sheep, elk, and horses have different diets, so it is unlikely that only the horses and elk are solely responsible for the failing land health standards.

However, the EA is silent on such differences. The final EA must specifically quantify range impacts from wild horses and livestock, explain how BLM delineates between the two when taking into consideration current impacts and the impacts of historic livestock grazing in the area. The final EA must also include specific information about the differences between wild horse grazing patterns and livestock grazing patterns and how those differences imply differences in impacts to the range.

Differences in grazing impacts for wild horses compared to livestock have been noted by former BLM official Lloyd Eisenhauer, who has studied and observed these issues for more than 50 years. See, Attachment A.

Mr. Eisenhauer states:

“wild horses tend to hang out in the uplands at a greater distance from water sources until they come to briefly drink water every day or two, whereas livestock congregate near water sources and riparian habitat

causing concentrated damage to vegetation and soil. For this reason, the impacts of wild horses are far less noticeable ... than impacts from livestock.”

“because livestock tend to eat somewhat different forage than wild horses (horses tend to eat coarser vegetation such as Canadian wild rye and other bunch grasses, whereas cattle and sheep mostly eat softer grasses), there is no justification to remove wild horses on the basis that insufficient forage exists to support the current population of wild horses ”

“because cattle and sheep have no front teeth on the front part of their upper jaws, they tend to pull and tear grasses or other forage out by the root causing some long-term damage to vegetation, whereas wild horses, which have front teeth on both their front upper and lower jaws, act more like a lawnmower and just clip the grass or forage (leaving the root uninjured), allowing the vegetation to quickly grow back”

“ [t]hese differences are extremely significant because if there were a need to reduce the use of these BLM lands by animals to preserve these public lands, it might be cattle and sheep not wild horses that should be reduced to gain the most benefit for the lands which is why BLM, during my time as an agency official, focused on reducing livestock grazing.”

The final EA must not only distinguish between livestock impacts and horse impacts (including detailed disclosure of the methodology BLM utilizes to distinguish between the two), but also it must include a clear description of the scientifically documented differences between the impacts that wild horses compared to cattle and sheep have on the range. Finally, the final EA must include objective analysis of the contributions to range impacts of horses compared to livestock based on the vastly greater number of livestock that graze in the Indian Gorge Allotment as compared to a relatively small number and low density of wild horses.

If there is an overgrazing problem, federal regulations authorize the Bureau to close wild horse areas to any or all classes of livestock. If there isn't enough forage for the natural resident herbivores plus the livestock, that means there isn't enough excess forage to support commercial operations.



THE MITIGATION MEASURES PROVIDED ARE INSUFFICIENT TO DEMONSTRATE THAT THE LAND WILL RETURN TO HEALTH

BLM has suggested that removing the approximately 450 horses and building and repairing some fence to protect a riparian area from trespassing cattle would improve the land's health. While these actions might help, they do not even attempt to address what we suspect is the primary issue – overgrazing by the sheep. It is crucial that the agency requires the permittee to reduce the number of sheep to a level that the land can sustainably support, instead of scapegoating the less-numerous and less-impactful wild herbivores.

In fact, removal of the horses has practical adverse effects on the resources – multiple use is very beneficial for the environment, and particularly sensitive vegetation, because different users (e.g., livestock, wild horses) use the lands and vegetation in different ways. When that is eliminated, the resources are subjected to an unnatural use of the lands, which can cause severe long-term damage to the vegetation. As a result, zeroing out the herds could be devastating for the vegetation in the Indian Gorge Allotment.

BLM FAILED TO PERMIT ACTUAL USE

The fact that BLM is not reducing the permit to reflect the leasee's stated Actual Use is also concerning. BLM states in the EA that the permittee never runs the maximum number of sheep and does not let them run for the full term of the permit. Therefore, the agency's decision to renew the permit for the full ten years, without taking into account actual usage, is a significant missed opportunity to better protect the 52,572 acres of public land.

When we asked the agency why they were not reducing the permit to reflect actual use, we were told that "it is not necessary." This response is unacceptable. We believe that the Bureau has a responsibility to ensure that public lands are being used sustainably and in line with established land health standards.



THE EA IS INADEQUATE UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT

BLM managers must manage the health of our public lands with all conflicting land-uses and alternatives considered in a comprehensive, common-sense way. Instead, the BLM routinely presents the public with what amounts to foregone conclusions to reauthorize the permit with same number of livestock with the plan to roundup and remove hundreds of wild horses in contravention of the letter and the spirit of NEPA mandate to take a “hard look” at all reasonable alternatives.

Council on Environmental Quality (CEQ) regulations, which guide federal agencies’ compliance with NEPA, at 40 C.F.R. § 1506.6 state that agencies “*shall make diligent efforts to involve the public in preparing and implementing their NEPA procedures,*” and that this includes providing enough information to “*inform those persons . . . who may be interested or affected,*” of the proposed action so that they can submit informed and useful comments to the agency.

Here the proposed action is not described or analyzed in sufficient detail to allow interested parties to make informed and useful comments on the EA.

CONCLUSION

We are concerned about the impact of grazing on public lands and request that BLM reduce the number of sheep to an ecologically sustainable level. For the reasons stated above this EA is inadequate. The final EA must address all of the issues raised in these comments and the final EA must honestly evaluate the impacts of the small number of wild horses on this range when compared to the vastly greater number of livestock authorized to graze in this area. Since the permit renewal simply continues BLM’s “business as usual” — it must be scrapped in favor of an alternative that reduces livestock.

The agency's decision to renew the grazing permit without any change in the number of permitted livestock raises larger questions about the role of grazing on public lands. While grazing is an important economic activity for



individual ranchers, it can have significant environmental consequences if not managed sustainably. It is essential that the agency carefully considers the impact of grazing on public lands and takes steps to ensure that these lands are being used in a way that balances economic needs with environmental sustainability.

Sincerely,

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