

Summary of Events

The following represent the salient facts and evidence in support of this complaint:

- (1) BLM's Rapid Ecoregional Assessment have several goals and objectives: "... 1) to provide broad-scale information needed in developing habitat conservation strategies for native plants, wildlife, and fish and aquatic species populations on public lands; and 2) to inform subsequent land use planning, trade-off evaluation, environmental analysis, and decision-making for other interconnected public land uses and values, including energy development, recreation, **livestock grazing** (*emphasis added*), and wild horse and burro management. Specific objectives of BLM rapid ecoregional assessment are to assemble, organize, and synthesize targeted information ..." (BLM Rapid Ecoregional Assessment Statement of Work, available online at <http://input.com/corp/library/details.cfm?ItemID=13574>);
- (2) BLM is required to manage livestock grazing on public lands, and to monitor livestock impacts to environmental and ecological resources of concern (43 CFR § 4180.1; 60 Federal Register (FR) at 9954; 43 CFR § 4180.2(b); BLM Manual H-4180-1 Rangeland Health Standards (1/19/2001));
- (3) BLM is mandated to conduct Land Health Assessments (43 CFR 4180.2) on a yearly basis, and to determine the causal factors associated with failure to meet Land Health Standards. The causal factors are recorded as "livestock" or "other" (43 CFR 4180.1; appendix 4);
- (4) Land Health Assessment data are required to be "entered into a shared data base that is compatible with a Geographic Information System (GIS) and accessible to all office resource specialists. Minimum content should include location identifier of the data collection site, date assessed, and a column for each health standard to indicate whether or not the location is achieving applicable standards." (H-4180-1 - RANGELAND HEALTH STANDARDS; Chapter III - Assessing Resource Conditions & Evaluating Rangeland Health Standards);
- (5) BLM is required to change their management of livestock grazing where livestock grazing is identified as the cause of Land Health Standards failure (BLM Manual H-4180-1 Rangeland Health Standards (1/19/2001));
- (6) BLM has compiled a national, BLM-wide Rangeland Inventory, Monitoring, and Evaluation Report since 1989 to satisfy Section 201(a) of The Federal Land Policy and Management Act (FLPMA) of 1976, as amended, and the Public Rangelands Improvement Act (PRIA) of 1978. These acts were intended to affirm Congress's intent to have BLM prepare and maintain an inventory of public rangeland conditions and trends on a continuing basis;
- (7) BLM scientific and scholarly activities are now subject to Department of Interior Policy (Department of the Interior, Office of the Deputy Secretary, January 28, 2011,

Department Manual, Series - Department Management, Part 305 , Chapter 3 – *Integrity of Scientific and Scholarly Activities*);

(8) Beyond the initial statement of goals and objectives in the REA Statement of Work, no reference to livestock grazing or livestock was included in the extensive materials, including focus areas and management questions which were intended to determine what was included in the assessments. This exclusion was deliberate and not an oversight by BLM;

(9) Nonetheless, livestock grazing was independently identified as an important disturbance factor by three contractors conducting six Rapid Ecoregional Assessments;

(10) Speaking on behalf of BLM, Mr. Karl Ford stated that the inclusion of livestock grazing in the REAs was of concern to the Washington Office and to other ecoregions. Both he and Mr. Verlin Smith stated that the issue (inclusion of livestock grazing) was of concern to stakeholders. Mr. Ford relayed that BLM feared that inclusion of grazing would result in litigation and might put a stop to future REAs.

(11) Mr. Ford further stated that the land health assessment data needed to address livestock grazing as a disturbance factor was not available in a formalized database;

(12) Mr. Ford decided to defer decisions regarding how or whether grazing should be treated to the Washington Office (Colorado Plateau Rapid Ecoregional Assessment (REA) Workshop 1 Summary, Lakewood, Colorado, August 10, 2010);

(13) The Washington Office and/or the AMT ultimately decided that inclusion of livestock grazing as a disturbance factor would be combined with other native and introduced ungulates (deer, elk, antelope, wild horses, wild donkeys);

(14) One contractor suggested that potential livestock grazing impacts be treated as a vulnerability assessment if Land Health Assessment data was not available, similar to other types of disturbance factors;

(15) BLM directed REA contractors to drop livestock grazing from the assessments due to lack of Land Health Assessment data;

(16) A formalized Land Health Assessment database does exist, and has existed at least since 2008 according to a USGS report released in September, 2011 (Veblen, K.E., Pyke, D.A., Aldridge, C.L., Casazza, M.L., Assal, T.J., and Farinha, M.A., 2011, Range-wide assessment of livestock grazing across the sagebrush biome: U.S. Geological Survey Open-File Report 2011-1263, 72 p.);

(17) At least two individuals (BLM and USGS) were aware of the database existence (Veblen, K.E., Pyke, D.A., Aldridge, C.L., Casazza, M.L., Assal, T.J., and Farinha, M.A., 2011, Range-wide assessment of livestock grazing across the sagebrush

biome: U.S. Geological Survey Open-File Report 2011-1263, 72 p.), cited in the acknowledgement section, and were present when Mr. Karl Ford stated that a formal database did not exist, yet did not correct this misrepresentation of the facts (Colorado Plateau Rapid Ecoregional Assessment (REA) Workshop 1 Summary, Lakewood, Colorado, August 10, 2010);

(18) Elimination of grazing-related management questions. The REA management questions shaped the approaches taken, and the findings reported. It was the responsibility of the contractors to develop conceptual models of the relationships between resources of concern, and important change agents that influence them. It was also the responsibility of the contractor to review and identify additional resources and change agents of concern based on these models, and review and revise management questions accordingly. This was the first stage of the REAs. The workshops represented an opportunity for input from scientists from BLM and other agencies, including those from USGS, who were the peer reviewers of the project. Evidence of direct BLM influence on the scientific integrity of the Colorado Plateau Assessment through changes in the nature focus of the questions related to livestock as a change agent.

The following are the management questions proposed by the contractor scientists at the Colorado Plateau REA Workshop I, but were rejected by BLM at that time, deferring the questions to the Washington Office and the AMT. They appeared comparable to other sets of management questions related to other change agents which were accepted:

- *Where are grazing allotments and pastures located by ownership status?*
- *What is the current condition status of allotments and pastures?*
- *Where are allotments with respect to key wildlife habitat (core species) areas?*
- *Where are the allotments showing effects from severe soil disturbance?*
- *Where are the allotments showing effects of loss of riparian PFC?*
- *Where are allotments dominated by invasive annual grasses?*
- *Where are allotments with conservation/restoration potential?*
- *Where are allotments which may be impacted by change agents?*

The following are the management questions which were ultimately substituted for those above by the Washington Office/AMT in the final published Colorado Plateau memorandum (*Colorado Plateau Rapid Ecoregional Assessment Memorandum I-1-c*, September 21, 2010):

- *Where does/has grazing occur/occurred?*
- *Where/How has grazing impacted the current status of conservation elements?*
{Note: The following questions pertain to ANY grazing, mixing the potential effects of livestock, native ungulates (deer, elk, antelope), and non-native ungulates (wild horses & burros)}
- *Where/How may grazing impact the potential future status of conservation elements?*
{Note: The following questions pertain to ANY grazing, mixing the potential effects of livestock, native ungulates (deer, elk, antelope), and non-native ungulates (wild horses & burros)}

BLM ultimately dropped the management questions with no explanation save one, leaving the rather uncontroversial question:

• *Where are allotments and type of allotment?*

Conclusion: Livestock grazing as a change agent was subsequently dropped from all Ecoregional assessments, citing lack of available data (NatureServe. Mojave Basin and Range Rapid Ecoregional Assessment Final Memorandum I-3-c, March 4, 2011, p. 72); (NatureServe. Central Basin and Range Rapid Ecoregional Assessment Final Memorandum I-3-c, March 4, 2011, p. 74); (Final Memorandum I-1-c Northwestern Plains Rapid Ecoregional Assessment); (Final Memorandum I-1-c Middle Rockies Rapid Ecoregional Assessment); (Colorado Plateau REA Final Memorandum I-3-c: Models, Methods and Tools); (Sonoran Desert REA Memorandum I-3-c: Models, Methods, and Tools).

As a result, the assessments conducted lacked consideration of the relative impact, or vulnerability to impact of environmental and ecological conditions by livestock grazing, although much more trivial disturbance factors were included, such as those associated with rock hounding in one region.

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