

**SUBSTANTIVE
PUBLIC COMMENTS
AND
BLM RESPONSES
TO
DOI-BLM-NV-E000-2013-EA
(2-01-2014)
With
Revised EA 5-27-2014**

United States Department of the Interior
Bureau of Land Management

DOI-BLM-NV-E000-2013-0003-EA
DATE: 05/27/2014

Elko District Office
Management and Mitigation for Drought Impacted Rangelands
Revised Environmental Assessment

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BLM
NEVADA Elko District

Number	Commenter	Comment	BLM Response
1	Western Watershed Project	<p>a. Climate change imposes even greater stresses on systems, and is likely to make them less able to rebound from drought effects.</p> <p>b. See Beschta et al. 2012.</p>	<p>a. Comment noted. Climate change addressed in Sections 3.3 and 4.1 of the EA.</p> <p>b. The Beschta et al. 2012 paper fully supports the premise of this EA, which alleviates the impacts of ungulates in relation to drought. The effects of climate change in relation to this EA have been analyzed by the BLM. Please refer to Sections 3.3 and 4.1 of the EA for more information.</p>
2	Western Watershed Project	<p>a. BLM must manage during all period to reduce grazing stress. Native plants in grazing-stressed desertified landscapes may be killed or greatly weakened by grazing during drought periods. Many native bunchgrasses are very long-lived, and their loss is long-term in sagebrush and other arid ecosystems.</p> <p>b. See Anderson BLM Technical Bulletin (2001). Anderson describes the adverse impacts of even one time use at 40%. But BLM routinely allows grazing to occur on lands where use at this level or higher is applied. Even worse, since utilization is averaged over grass plants, and monitoring sites typically do not reflect areas of more intensive livestock use, many plants receive much greater than the damaging average or median utilization.</p> <p>c. Plus this level of use is not adequate to provide for sage-grouse nesting cover during any period.</p> <p>d. In many areas, 10% or less utilization and upland trampling standards are necessary – under normal conditions.</p> <p>e. This EA/EIS should act to amend the grazing permits to put in place necessary changes.</p>	<p>a. Comment noted. See Sections 2.0, 3.0, and 4.0 of the EA for more information about utilization during drought.</p> <p>b. Comment noted. The BLM has chosen to set the recommended utilization limit at 30% on key forage grass species during drought periods. Insufficient information provided to locate technical bulletin referencing Anderson BLM Technical Bulletin (2001); as stated, not found.</p> <p>c. Please refer to Sections 3.3 and 4.1 B, page 26, for information on sage-grouse nesting requirements.</p> <p>d. Comment noted. Utilization triggers for this EA were derived from Holechek et al. (1998). See Sections 2.0, 3.0, and 4.0 of the EA for more information about utilization during drought.</p> <p>e. Amending the grazing permits is beyond the scope for the purpose and need for this project.</p>
3	Western Watershed Project	<p>a. During drought, native bunchgrass and other forb height will be less, and the relative impacts of livestock use in stripping essential cover, including residual cover for next year, will be greater. Plus livestock are likely to consume more native shrubs – and this is an adverse impact on top of the regular level (usually unmonitored) of browse, breakage, and structural simplification of shrubs that is already occurring.</p>	<p>a. Comments noted. See Sections 2.0, 3.0, and 4.0 of the EA for more information about utilization during drought.</p>
4	Western	<p>a. We are very opposed to new temporary or other fencing. This will intensify and shift adverse impacts of livestock grazing and trampling disturbance into new areas. It will promote</p>	<p>a. Comments noted. All site specific decisions associated with this EA will address the impacts of temporary fencing. Temporary fencing has been proven as a viable solution for</p>

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	Watershed Project	<p>new weed invasion, loss and fragmentation of native wildlife habitats, extensive new zones of eroding livestock trails, new predator travel corridors, etc. See USFWS describing the adverse effects of fences. Fencing is expensive, kills and injures wildlife, provides elevated perches for nest and egg predators, as well as the brown-headed cowbird, a brood parasite. “Temporary” fences have a way of becoming permanent. There is no detailed site-specific information provided on the current location, configuration and density of fencing on these lands.</p> <p>b. Instead of measures to further concentrate livestock during drought, removal of fences and/or large-scale reduction in livestock numbers should be considered. Removal of permanent fences and water developments should be examined as mitigation for any continued livestock grazing, and to better bring livestock use into some measure of sustainability. Electric fencing wires are very difficult to see, and will be even worse wildlife than the barbed wire fencing that already takes such a huge toll.</p>	<p>short-term changes in grazing management. Please refer to Section 2.0 of the EA for more information about temporary fencing.</p> <p>b. Closure of allotments to livestock grazing is one of the alternatives and Drought Response Actions found in this EA. Removal of fences and water developments are outside the scope of this EA. Please refer to Section 2.0 of the EA for more information about Drought Response Actions.</p>
5	Western Watershed Project	<p>a. We are extremely opposed to water hauling. During drought, upland and riparian areas and the entire watershed are under added stress from grazing by large herds of livestock. Water hauling enables even more concentrated grazing disturbance in even more areas under great stress from drought. Water hauling will shift and intensify livestock impacts into new areas, where severe impacts will occur. Concentrating livestock use in new areas – even if the soils and vegetation are already disturbed at the exact site where troughs will be placed – will serve to extend intensive livestock disturbance impacts into more land areas and sensitive species habitats over a large surrounding land area. Cattle may range 1 to 2 miles from water, and sheep can be herded much further. This short-sighted measure has the potential to expand significant adverse impacts into remnant better condition habitats where livestock using the artificial waters will graze over. The end result will be more land areas doomed to be a permanent weed hell, and more habitat loss and fragmentation.</p> <p>b. The EA lacks site-specific information and measures</p>	<p>a. Comments noted. Water hauling has been used for many years by the BLM and has proven to be successful in many different situations. Please refer to Section 2.0, 3.0, and 4.0 of the EA for more information about water hauling.</p> <p>b. The purpose of the EA is to provide a foundation today that identifies what is needed to mitigate the effects of drought and address emergency drought situations at site-specific levels.</p>

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		<p>necessary to even begin to understand the adverse environmental footprint of this. An EIS is necessary to understand and properly mitigate such impacts.</p> <p>c. More water troughs and livestock watering sites just means more areas of potential drowning hazard to birds, bats, small mammals and important or rare native insects.</p> <p>d. This may also promote sites for West Nile mosquitoes if water stagnates in troughs. More water troughs with potentially stagnant waters also increases potential for mosquito habitat, and presence of West Nile mosquitoes that harm migratory birds, sage-grouse, and human recreationists.</p> <p>e. Artificial upland water sources also serve as areas of concentration for nest and egg predators, and expand the adverse footprint of the predators.</p> <p>f. This also means more disturbance of sensitive wildlife habitats by constant motorized intrusion from water hauling activity.</p> <p>g. It is also very likely cause mean more road blading and “improvement”, and other adverse impacts as well.</p> <p>h. All of this will further heighten weed expansion and habitat disturbance in many indirect and cumulative ways.</p>	<p>c. References are provided throughout the EA supporting why the various mitigation measures were selected (either because they have been authorized in CFR’s (pg. 4), the Land Management Handbooks, are successful on the Elko District, and or recommended through peer-reviewed reference, i.e., Howery 1999 (pg. 6), Teague et al. 2004 (pg. 6), Holecheck et al. 1988 (pg. 18), etc. Also, wildlife escape ramps are discussed in Section 1.0 (page 12) of the EA.</p> <p>d. The potential for West Nile virus is discussed in Section 3.3 B, J, K, and P, pages 29, 59, 60, and 85 of the EA.</p> <p>e. Discussion of predators is provided in Section 3.3 B and L, pages 22, 23, 26, and 61.</p> <p>f. The effects of noise pollution are discussed in Section 3.3 B, page 29.</p> <p>g. Road maintenance needed as a result of water hauling is discussed in Section 3.3 H of the EA.</p> <p>h. Weed management is discussed in Section 3.3 and 4.1 H.</p>
6	Western Watershed Project	<p>a. Mandatory 6 inch stubble height, less than 10% bank trampling standards, and less than 10% browse of livestock-accessible shrubs must be applied to all riparian areas, springs, seeps, streams, intermittent and ephemeral drainages as triggers for livestock removal in any lands that suffer continued grazing disturbances.</p> <p>b. We recommend less than 10% stream/spring bank and meadow trampling as a trigger for livestock removal. This will help to protect all meadows, springs, streams, meadows and springbrooks, and drainage networks from prevent irreparable damage.</p> <p>c. Riparian stubble height must be 6 inches.</p>	<p>a. Comments noted. Within the over 7.4 million acres of public lands that the Elko District manages there are several diverse landscape types. The range of stubble heights noted in the EA are designed to provide for the wide diversity of adequate vegetation cover and for general soil stability and hydrologic functions needed within the many site-specific areas that could be monitored.</p> <p>b. Please refer to Sections 2.0, 3.3, and 4.1 of the EA for more information about stubble height management during drought.</p> <p>c. Comment noted. Stubble heights in riparian areas for this EA have been set at 4 inches.</p>
7	Western Watershed Project	<p>a. BLM proposes changes such as grazing after Sept 30 in riparian areas. But in areas where there is limited water (as is the case in nearly all the BLM lands), if large herds are unleashed on these fragile riparian sites, impacts will still be</p>	<p>a. Comments noted. The Elko District BLM has prepared the EA as a premise to mitigate the negative impacts to rangelands from situations that include drought and overuse by livestock.</p>

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		<p>very damaging and severe as water will be much more limited. This will only serve to greatly intensify livestock impacts on areas with remaining perennial flows. Since across the Nevada lands where these drought measures are proposed, livestock grazing has been a tremendous cause of the loss of perennial flows, loss of floodplains, loss of mesic habitats, loss of cottonwood gallery forests, loss of willow thickets, loss of aquatic species habitats and populations, this will only serve to increase livestock impacts on already greatly stressed systems during periods of least available water. This means that the areas that still have water will suffer new irreversible damage. This includes areas that support sage-grouse brood rearing, aquatic species, and other critical habitat components. Plus there is no potential at all for regrowth if livestock consume excessive levels of protective bank stabilizing vegetation.</p>	
8	Western Watershed Project	<p>b. Efforts to shift or intensify use in some areas, or change class of animals or put in place new facilities will also alter any Thriving Natural Ecological Balance (TNEB) in wild horse herd areas, and will have different, and never-analyzed impacts. For example, sheep use some areas differently than cattle. There is a different capability and stocking rate that must be analyzed in site-specific detail.</p> <p>c. Changes in seasons of use to accommodate cattle will affect the TNEB related to wild horses.</p> <p>d. BLM, for all its manic rounding up of wild horses, has very poor, largely very old, and deficient HMA Plans.</p>	<p>b. Comments noted. Refer to the Drought Mitigation and Monitoring Plan for more information about site specific decisions.</p> <p>c. Comments noted. Please refer to Sections 3.0 and 4.0 of the EA for more information about Drought Response Actions and wild horses.</p> <p>d. Comments noted.</p>
9	Western Watershed Project	<p>a. We strongly oppose changes from cattle to sheep grazing – as this is very likely to jeopardize bighorn sheep herds and have a battery of other adverse impacts, as well.</p> <p>b. Domestic sheep spread diseases that bighorns die from. Domestic sheep stray from herds and may get left behind and wander into bighorn habitats. Domestic sheep also may harbor Q fever and other diseases that persist in soils or pollute waters. Q fever or other pathogens -may be transported into soils from which they may be absent. This proposal may introduce new diseases (of which domestic sheep carry many) into new areas. What soils have been tested for Q fever or</p>	<p>a. Comment noted. The EA specifies that “changes from cattle to sheep would not be authorized in areas known as bighorn sheep habitat or areas within nine miles of known bighorn sheep habitat” (pg. 8). Please refer to Section 2.0 of the EA for more information about changing livestock classification.</p> <p>b. Comment noted. See Section 3.3 B of the EA for more information about sheep grazing and wildlife.</p>

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		<p>other sheep-borne pathogens? A very significant impact that requires an EIS in and of itself is that this will serve to shift and intensify adverse livestock impacts to previously less grazed areas – with large-scale adverse impacts to headwaters of streams, and to the plants and soils being grazed, as well.</p> <p>c. Sheep eat sagebrush and other shrubs, which are also under significant stress under drought, as well as being notorious depleters of native forbs. Thus, the imposition of domestic sheep herds is likely to add new stresses to plant community components that are not as depleted as grasses or microbotic crusts. The sheep will essentially “mine” the components of native systems that the cows have not as heavily impacted.</p> <p>d. In fact, this appears to be just the case with a recent Ely BLM decision on a severely degraded allotment that is part of the Duckwater Complex – the cows and already occurring sheep grazing have so greatly depleted lands that BLM is now desperately trying to impose more sheep grazing rather than sufficiently cut livestock numbers or end grazing altogether. This will have serious adverse impacts on many sensitive species – including those that nest in shrubs, or under shrubs, and those that nest on the ground - as sheep trampling is known to destroy nests and eggs and expose nests to predation. It appears this would be done because sheep can be herded further from water – thus herded into remote refugia where remnant better condition habitats may occur. This greatly jeopardizes native vegetation, soils, microbotic crusts, habitat security for native wildlife, etc. Animals being herded back and forth over considerable distances will do much more trampling damage, and are also likely to transport weeds and prime soils for weed invasions over much larger areas. This also jeopardizes native wildlife that may have managed to persist in remnant patches less impacted by cows but where sheep can be driven into – to adversely impact. It would result in disturbance to watersheds in ways that have never been examined in any site-specific FRH analysis or other process – transporting new weeds into remnant less impacted areas, destroying streambanks and fouling waters in terrain too rugged for cows, reducing perennial flows in the very headwaters of drainages, etc. The cumulative adverse effects</p>	<p>c. Comments noted.</p> <p>d. Comments noted.</p>

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		<p>of all the grazing occurring in a watershed must be examined in a site-specific manner. This EA certainly does not do that. The imposition of domestic sheep is also likely to negate any conclusions reached in any Rangeland Health analyses that exist. This includes conclusions related to the health of particular components of the ecosystem that may become more likely to suffer new or extended damage from sheep. Substituting one form of livestock for another during drought is the equivalent of Mining of vegetative resources, waters, and watersheds – plus the critical habitats for sage-grouse and other native wildlife species. It also presents new dangers to recreationists, including vicious guard dogs and potentially additional diseases being spread and persisting in soils or polluting water. It will further de-stabilize soils on steeper slopes, and create a whole new added battery of intensively disturbed areas – like bed zones. There would be dozens if not hundreds of new bedding sites that are severely impacted by concentrations of thousands of sheep. Large amounts of weed-promoting manure and urine will be deposited on top of the severely trampled and heavily grazed/browsed vegetation. This is a perfect way to promote large-scale cheatgrass and other weed expansion.</p> <p>e. The public-subsidized sheep (and cows) also serve to subsidize nest and egg predators. Predation is heightened by the very poor range hygiene that is practiced across public lands. Dead livestock, afterbirth from calving or lambing on public lands, carrion, supplements that contain grain or other substances all serve to artificially subsidize sage-grouse and other nest and egg predators. Plus the animals disturb and displace nesting birds. See USFWS Warranted But Precluded Finding for Greater Sage-grouse, Knick and Connelly 2009/2011 <i>Studies in Avian Biology</i>.</p>	<p>e. Refer to Section 3.3 of the EA and pages 22, 23, 26, and 61 for more information about predation within the scope of this assessment.</p>
10	Western Watersheds Project	<p>a. Efforts to shift or intensify use in some areas, or change class of animals or put in place new facilities will also alter any Thriving Natural Ecological Balance in wild horse herd areas, and will have different, and never-analyzed impacts. For example, sheep use some areas differently than cattle. There is a different capability and stocking rate that must be analyzed in site-specific detail. Changes in seasons of use to</p>	<p>a. All decision associated with this EA will be site specific and will outline information based on that location. Many areas inside or outside of wild horse herd management areas could potentially benefit from a change in grazing management as a result in changes to use and/or intensity.</p>

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		accommodate cattle will affect the TNEB related to wild horses.	
11	Western Watersheds Project	<p>a. There are several sensitive migratory birds that nest in sagebrush as well as salt desert shrub in areas of Nevada (loggerhead shrike, sage sparrow if there is some sage present as well as greasewood, for example). Across Nevada, BLM usually has very poor site-specific information on sensitive species occurrence and habitat conditions. Thus spur-of-the-moment decisions to shift or intensify grazing in differing ways are bound to conflict with sensitive species. BLM MUST take care of a wide variety of sensitive species habitats – from northern goshawk nesting in pinyon-juniper forests to pygmy rabbit to redband trout or spotted frogs.</p> <p>b. We are strongly opposed to BLM shifting any use to spring. It is time to end spring use in sage-grouse, pygmy rabbit, migratory bird, and other habitats as well as native vegetation communities. Shifting or intensifying livestock use during spring into any habitat type is detrimental to sensitive species and migratory birds.</p> <p>c. It is also likely to disturb or displace nesting raptors – which are often poorly inventoried.</p>	<p>a. Comments noted.</p> <p>b. Comments noted. Please refer to Section 3.0 and 4.0 of the EA for more information about impacts to wildlife.</p> <p>c. Comment noted.</p>
12	Western Watersheds Project	<p>d. We oppose use of temporary fencing. It will only impair other fragile resources, shift and intensify impacts into sage-grouse and pygmy rabbit habitats, etc. There is already far too much harmful fencing, too many watering sites, etc. across the BLM landscape.</p> <p>e. One-time placement of electric fencing results in severe trailing impacts that can cause new gullies, large-scale degradation of uplands including destruction of mature and old growth sagebrush and other shrub patches.</p> <p>f. During periods of drought in stressed lands, BLM needs to reduce disturbance – not intensify disturbance in unassessed ways by imposing a heavier burden of livestock facilities.</p> <p>g. An EIS must be prepared to analyze all of these effects that will have serious adverse impacts.</p>	<p>d. See Response 4a.</p> <p>e. Comments noted.</p> <p>f. Comments noted.</p> <p>g. See Response 5b.</p>
13	Western Watersheds	h. BLM cannot use “temporary” water haul or pipelines for livestock. The impacts will be even worse than those of	h. See Response 5a.

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	Project	<p>temporary fences. This will also significantly increase livestock competition with wildlife, native vegetation, rare plants, and many other values of the public lands.</p> <p>i. Aren't permittees supposed to have sufficient base property to support livestock???</p> <p>j. It [water hauling] will promote weeds (h), road blading (g) and upgrades, road-killed wildlife, disturbance to wildlife during sensitive periods, and general expanded livestock disturbance and ecological degradation.</p>	<p>i. All permittees are required to provide sufficient base property to support livestock when not using public lands.</p> <p>j. See Response 5a and b.</p>
14	Western Watersheds Project	<p>k. Changing livestock kind and/or season of use to try to take out AUMs for taxpayer subsidized ranchers on drought-stricken public lands is very likely to intrude on the seasonal ranges not only of big game, sage-grouse, and other wildlife, but also wild horses. All of these animal's use of food, cover and space is likely to be very adversely impacted by drought shifts in use.</p> <p>l. Valid site-specific NEPA analysis to allow understanding of these conflicts has not been conducted, and these EA greatly fail to do so.</p> <p>m. Additionally, any shift to winter or spring use will also have significant adverse impacts. These include disturbance of animals on winter, transitional, and spring/breeding/nesting/birthing ranges. These are times when the public is warned not to disturb big game or other wildlife.</p>	<p>k. Comments noted.</p> <p>l. Any decision associated with this EA will be based on site specific conditions. The site specific decisions will outline all impacts associated with wildlife habitat. Please refer to Sections 3.3 and 4.1 B of the EA for more information about wildlife species that may be affected.</p> <p>m. Comments noted. The presence of livestock does not necessarily mean that any wildlife will be adversely affected by their presence. Wildlife disturbance will be evaluated by the Elko District if a Drought Response Action for season of use change is implemented by the BLM.</p>
15	Western Watersheds Project	<p>a. We also strongly oppose any so-called "targeted grazing". This is just creating vast sacrifice areas to further subsidize the livestock industry. It creates even more of a weed risk, fire risk in subsequent years, and will add to the use of even more expensive herbicides. This will just turn any "targeted" areas into extraordinarily degraded dustbowls, and promote even worse weed problems in subsequent years. Plus, many of these areas are supposed to be managed for post-fire or other recovery, instead of as sacrifice zones to the very livestock herds that have so greatly degraded them in the first place.</p> <p>b. Where are all of these areas located?</p>	<p>a. Comments noted. Targeted grazing, which has been shown to reduce fuel loading by invasive annual species like cheatgrass, has been used as a tool for years by range managers to reduce annual plant biomass and recruitment. Please refer to Section 2.0 of the EA for more information about targeted grazing.</p> <p>b. Cheatgrass infestations are widespread in some parts of the Elko District. These areas are the product of many different variables including fire. Prescriptive grazing has shown to reduce fuel loading and continuity in cheatgrass dominated areas. Please refer to Section 2.0 C, 3.1 and 4.4 K of the EA for more information about prescriptive grazing.</p>

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16	Western Watersheds Project	<ul style="list-style-type: none"> a. BLM must fully examine actual use of livestock, and develop a series of alternatives that remove or reduce livestock to levels one half or less of actual use as the highest number that can be grazed during drought. b. All alternatives should be based on stocking lands at levels sustainable during drought. c. It is clear that the primary measure to protect public lands and waters in the District during drought must be to curtail livestock use and turnout. Wildlife habitats and populations are already reeling from the effects of drought. Imposing even more intensive livestock use on portions of the environment is madness. Irreparable harm of weed invasion, watershed degradation, habitat loss, etc. will result. d. BLM fails to fully examine the adverse impacts of continuing to graze livestock by shifting and intensifying impacts. e. Overall, there is lack of site-specific information and no detailed hard look taken at the alternatives. 	<ul style="list-style-type: none"> a. The EA provides BLM decision makers criteria for measuring site-specific scenario's, should drought occur, such that land health can be managed appropriately. Refer to Elko District Drought Monitoring and Mitigation Plan (Attachment 1). b. Not all rangelands are impacted similarly during drought. Some grazing permittees take it upon themselves to reduce numbers during drought to accommodate reductions in forage productivity. c. Comments noted. d. Comments noted.. e. The Elko District BLM has taken a "hard look" at the alternatives in the EA and has analyzed impacts associated with the alternatives fully in Sections 3.0 and 4.0.
17	Western Watersheds Project	<ul style="list-style-type: none"> a. There is a great lack of site-specific information related to the quality and quantity of sensitive species, big game, and other important habitats. BLM fails to examine the current status of habitats and populations, overlay them with areas of known livestock degradation, and determine how imposing grazing during drought will adversely affect the sensitive species. b. Careful current baseline inventories must be conducted. 	<ul style="list-style-type: none"> a. As noted in the EA, Elko District manages over 7.4 million acres of public lands. The purpose of the EA is to provide a foundation today that identifies what is needed to mitigate effects of drought and to address emergency situations at site-specific levels. Examples of pro-active information that would be required include consultation with permittees and completion of monitoring reports. b. Any area that needs management changes will be evaluated by the BLM using the Drought Monitoring Worksheet as a baseline inventory of the area. Any decision associated with this EA will be site specific. Please refer to the Drought Monitoring and Mitigation Plan (Attachment 1) for more information.
18	Ellison Ranching Company	<ul style="list-style-type: none"> a. The idea of completing a stand-alone analysis for drought management is an unusual one – shouldn't all grazing in the Western US be managed assuming that drought is a natural occurrence on our landscape? With droughts ranging from 1 to 200 years in length, drought management should be part of our annual planning. 	<ul style="list-style-type: none"> a. Comments noted. Management and flexibility during drought is considered in all new allotment management plans.

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19	Ellison Ranching Company	<p>b. Of all the concerns we have with the EA, the idea that resource protection from drought is not already considered in allotment management (see page 81) is very concerning. As permittees, we already have a number of requirements and objectives to meet that are supposed to be to either allow an area to meet the Standards and Guidelines of Rangeland Health, or to move the condition of the allotment toward the Standards and Guidelines. These objectives include utilization objectives for upland grasses, riparian grasses and willows; bank stability; stream width/depth ratios and other objectives. Our riparian areas are monitored to determine if they meet Proper Functioning Condition standards.</p>	<p>b. Comments noted. Resource protection is considered in all BLM allotment management plans. However, not all management plans have flexibility for drought or related management stipulations. The BLM has changed recommended utilization limits during drought to provide residual habitat and forage for wildlife, or for livestock and wild horses if the drought continues to persist for several years. Please refer to Section 2.5.2 of the EA for more information about utilization triggers that will be used during drought.</p>
20	Ellison Ranching Company	<p>c. All of these measures are designed to tier back to our Allotment Management Plan, term grazing permit and its Terms and Conditions, Standards for Rangeland Health Assessment, objectives in the Resource Management Plan and numerous additional management documents. The creation of the Drought EA adds an additional layer to an already challenging management system.</p>	<p>c. Comments noted. This EA is designed to mitigate the negative effects of ungulates on drought impacted rangelands. Not all allotments have updated management plans in place for more drought suitable management actions.</p>
21	Ellison Ranching Company	<p>d. Further, BLM is not currently able to monitor to meet existing requirements and must resort to third part contractors that often must be paid for by the permittee. How can BLM commit to additional site-specific monitoring processes when the current monitoring requirements aren't being met?</p> <p>e. While we agree that any proposed drought management action be site-specific, it is unrealistic to commit to perform additional monitoring throughout the area potentially affected by drought. It is not inconceivable that the entire Elko District could be affected at one time.</p>	<p>d. Use of third party contractors is solely at the discretion of grazing permittees. Drought related monitoring by BLM specialists during periods acknowledged through drought triggers identified in this EA will take precedence over all other duties. Areas that are monitored and are found to be adversely affected by drought in combination with ungulate degradation will be singled out for additional drought related monitoring and possible management actions if warranted.</p> <p>e. Comment noted. Specialists and technicians from the Elko District spend thousands of cumulative hours monitoring rangelands on a yearly basis.</p>
22	Ellison Ranching Company	<p>f. We feel strongly that a separate Drought Management process and analysis is unnecessary and duplicative. However, should BLM pursue this direction, we have a number of comments on the proposed action and interpretation. Most of our specific comments focus on the apparently inherent assumption that wild horses and wildlife do not congregate at riparian areas, impact cultural resource sites (even outside of gathers), spread</p>	<p>f. Comments noted. Refer to Section 3.3 B, page 25 for more information about wildlife impacts on rangelands within the Elko District.</p>

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		<p>or impact weed infestations within the District, graze or browse upland and riparian vegetation to unsustainable levels, or cause sedimentation and other riparian impacts.</p> <p>g. Occasionally a reference was made to the fact that wild horses may congregate at riparian areas (pages 85, 89, 105-106) or cause some other negative impact within the District, but most references to resources degradation in drought refer specifically to domestic livestock. We find this bias to be inappropriate and unwarranted.</p>	<p>g. Comments noted. It has been well documented that livestock and other ungulates can (and have) caused severe environmental degradation to rangeland resources within the Elko District during drought periods. The purpose of this EA is to mitigate the negative effects that may be caused by ungulates (including wild horses and wildlife) during drought periods.</p>
23	Ellison Ranching Company	<p>h. Domestic Livestock are the only ungulates in the district whose movement patterns and use levels can be (and are) managed. Wild horses and wildlife will not stop returning to springs or reservoirs even if they are dry (page 107). By virtue of being in the allotment year-round even a few wild horses can have a significant negative effect of riparian areas, particularly in drought years.</p>	<p>h. Comments noted. Several areas across the Elko District in and outside of Herd Management Areas have been negatively impacted by livestock in combination with drought in recent years. Please refer to Section 1.2 of the EA for more information.</p>
24	Ellison Ranching Company	<p>i. Current monitoring efforts (when completed) should be implemented in a way to separate wild horses and livestock use. This would address a number of the issues raised in the Drought EA.</p> <p>j. That said, requesting an as-yet-undetermined stubble height (page 20) is unacceptable. Stubble height must be site-specific and should not be used as the sole data source to determine management actions in allotments. There are some species that would not reach a 4-inch stubble height in an average precipitation year and certainly not during a drought.</p>	<p>i. Comments noted. Utilization monitoring of upland and riparian areas already differentiates between livestock and wild horse use.</p> <p>j. Comments noted. Within the over 7.4 million acres of public lands that the Elko District manages there are several diverse landscape types. The range of stubble heights noted in the EA are designed to provide for the wide diversity of adequate vegetation cover and for general soil stability and hydrologic functions needed within the many site-specific areas being monitored. Factors that need to be taken into consideration at site-specific levels include the many types of plant communities being consumed and the associated phenologies of the communities.</p>
25	Ellison Ranching Company	<p>k. Conflicting information exists throughout the document around wild horses and livestock interactions. The Grazing Closure alternative should apply to the removal of wild horses and domestic livestock. Wild horses are allowed to exist in the District through the FRWHBA. Domestic livestock have equal right to be in the District from the Taylor Grazing Act. Both species are subject to FLPMA. To my knowledge, wild horses do not have any more right to the rangeland resource than cattle. Thus, they should be treated the same particularly</p>	<p>k. Comments noted. Grazing livestock on public lands is a privilege, not a right. CFR § 4710.5 provides for the ability to close certain areas of public lands to livestock grazing in order to protect wild horses and their associated habitat. Through monitoring of water availability and forage within herd management areas (HMAs), appropriate Drought Response Actions would be implemented to ensure the welfare of wild horses and prevent degradation of resources. Gathers to remove wild horses would be conducted as a last</p>

Number	Commenter	Comment	BLM Response
		in situations where irreversible harm may come to the resource should one (or both) species be allowed to remain.	resort only after consideration of other Drought Response Actions.
26	Ellison Ranching Company	<p>l. The option to remove wild horses to the high AML level seems inadvisable. With the slow process of completing gathers, it is irresponsible to spend the time and money planning a gather to create a situation where a herd will be over AML again within a matter of months. Instead, gathers should be completed to a minimum of 50% of the high AML to allow at least four years before the herd will reach AML once again. A more responsible alternative (both financially and ecologically) is to gather to (or below) the low AML. This will allow more time until another gather is necessary and allow resources in the allotment to receive additional rest.</p> <p>m. If all livestock are removed from an allotment, wild horses should be relocated to new areas or removed completely from the allotment. It does not make sense to have wild horse removal as the last option in a drought situation – the EA states that removal will occur only when all other Drought Response Actions are “exhausted.” This seems counterintuitive. The option for removal should be available at all times and implemented before severe resource degradation can occur.</p>	<p>l. Comments noted. The premise of this EA is to provide a foundation whereby BLM Elko can address emergency situations in relation to drought and environmental degradation by authorized uses. Please refer to Section 2.1 for more information about wild horse Drought Response Actions related to gathering horses at or below AML. Also refer to comment 25k.</p> <p>m. Comments noted. Also refer to comment 25k.</p>
27	Ellison Ranching Company	<p>n. For permittees, it is unclear why, if supported by forage conditions, a significantly high AUM rate would be charged (page 69) if the permittee chooses to lease livestock to change the class of livestock and in the allotment. This fee seems to penalize a forward-thinking permittee rather than encourage proactive land management.</p>	<p>n. Pursuant to CFR § 4130.8-1(d) “a surcharge shall be added to the grazing fee billings for authorized grazing of livestock owned by persons other than the permittee or lessee... The surcharge for authorized pasturing of livestock owned by persons other than the permittee or lessee will be equal to 35 percent of the difference between the current year's federal grazing fee and the prior year's private land least rate per animal unit month.”</p>
28	Ellison Ranching Company	<p>o. Finally – a few corrections need to be made to the document (page 46, Williams and ?),</p> <p>p. misspellings, improper word choices, and</p> <p>q. excessive amount of acronyms make the document challenging to review and understand.</p> <p>r. Additional clarification is also necessary regarding the need for cultural resources and paleontological inventory for the No</p>	<p>o. Comments noted. The reference correction has been made in the EA.</p> <p>p. A spell and grammar check of the EA has been completed.</p> <p>q. Acronyms have been reduced in the EA.</p> <p>r. Comment noted. Inventories needed in the No Action Alternative for cultural and paleontological resources have been removed from the EA.</p>

Number	Commenter	Comment	BLM Response
		<p>Action alternative in case of a drought (pages 38 and 43).</p> <p>s. Would inventories be necessary in case of a drought and the No Action alternative from the Drought EA is chosen?</p>	<p>s. Understand question as stated to be same as above. Cultural and paleontological inventories and clearances would be needed prior to implementing any Drought Response Actions to ensure that no adverse effects are caused to cultural or paleontological sites (36 CFR § 800). Refer to Section 4.1, C, D, and E of EA, pages 111 and 112.</p>
29	Nevada Cattlemen's Association	<p>a. While the Association respects the BLM's decision to actively respond and manage for drought conditions, we question the BLM's proposed action. As suggested in the interested public letter, "The Bureau of Land Management is preparing an Environmental Assessment (EA) to analyze a range of drought response alternatives that would be used to mitigate the effects of drought and to address emergency situation."</p> <p>b. The Association considers this proposed action not to be in compliance with NEPA requirements. The CEQ regulations require NEPA documents to be "concise, clear and to the point" (40 CFR 1500.2 (b), 1502.4). As requested in scoping comments, please review further and demonstrate to the Association as to clarify the "proposed action".</p>	<p>a. Comments noted. Please refer to Section 2.0 of this EA for the actual proposed action used by the BLM for this EA.</p> <p>b. The Elko District considers the proposed action to be in full compliance with CEQ regulations. In simple terms the Proposed Action specifies that: The BLM Elko District (who) will be issuing (what) a Drought Monitoring and Mitigation Plan that includes Drought Response Actions to (where) areas being degraded by livestock and/or wild horses (when) in drought conditions (why) to reduce the impacts of authorized uses and activities on natural, cultural, and economic resources that are at risk of being adversely affected by drought.</p>
29	Nevada Cattlemen's Association	<p>c. Furthermore, the Association questions BLM's purpose and need to have an Environmental Assessment (EA) to provide management strategies to assist in management during drought. Is flexible management during drought not addressed in Land Use Plans (I.e., District Resource Management Plan), Standards for Rangeland Health and Guidelines for Livestock Grazing, or Grazing Term Permit Renewals?</p> <p>d. Also as requested in scoping comments, please review further and demonstrate to the Association as to where management documentation is deficient to provide a need for a drought EA for livestock grazing.</p>	<p>c. Comments noted. Some term grazing permits allow for flexible management during drought which BLM specialists and permittees utilize to the fullest extent. The Elko District Land Use Plan is a general guidance document lacks the flexibility needed for on-the-ground management during drought periods, and standards and guidelines assessments and term permit renewals are time prohibitive in emergency situations, thus they would not allow the BLM Elko to mitigate for escalating degradation and emergency drought situations.</p> <p>d. See previous comment (29c).</p>
30	Nevada Cattlemen's Association	<p>e. Finally, the Association considers an environmental assessment to manage drought on a district wide approach ineffective. Grazing management decisions should be site specific and completed on a case by case approach. Livestock grazing uses various grazing systems such as rest rotation, deferred grazing, dormant season use, and herding, to achieve rangeland health goals. A district wide environmental assessment cannot address each allotment specifically enough</p>	<p>e. Comments noted. Site specific decisions will be made if Drought Response Action's should be implemented to mitigate the impacts of degradation related to drought in specific areas. Please refer to Section 2.0 of the EA and Section 4.0 of the Drought Monitoring and Mitigation Plan for more information.</p>

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		to understand varied grazing systems.	
31	Nevada Cattlemen's Association	<p>f. Under legal requirements prompted by NEPA, proposed management actions must consider a range of alternatives. First, the Association would like to clearly state, this document is deficient of a range of alternatives. In public scoping comments submitted by the Association, an alternative to the proposed action be considered to manage wild horses and burros to appropriate management levels (AML) in herd management areas (HMAs). The proposed alternative is a grazing closure and the alternative suggested above was not reviewed or considered as a separate alternative, rather a drought response action (DRA) to be used after grazing closures to livestock take place. The Association questions whether the BLM considered this alternative as required by NEPA. Please respond accordingly as to why this alternative was not considered. The Association understands there are grazing impacts from livestock but there are also grazing impacts from wild horses especially when overpopulated. Wild horse and burro populations in the State of Nevada exceed maximum AML by 7,103 as of December 13, 2012 (http://www.blm.gov/wo/st/en/prog/whbprogram/history_and_facts/quick_facts.html). Degradation to the rangeland resources and range improvements by overpopulated wild horses resulting in declining health and welfare of wild horses' populations cannot be overlooked when considering responsiveness to drought conditions. Furthermore, to be in conformance with the Wild Free Roaming Horses and Burros Act of 1971, AML needs to be achieved for the health of the wild horses and rangeland resources.</p>	<p>f. Comments noted. This EA has several alternatives that could be implemented when rangeland degradation is occurring during drought. The BLM Elko office has no record of any comments received from the Nevada Cattlemen's Association during the scoping period requesting an alternative for wild horses to be managed at AML. However, Elko District Rangeland Management and Wild Horse and Burro Specialists felt reducing horse numbers to at or below AML during emergency drought situations were better formulated as a Drought Response Actions (DRAs) instead of a separate alternative action.</p> <p>The Elko District understands the importance of managing wild horses at AML and is constantly working towards managing wild horses at AML populations. Management of horses at AML populations includes working within the legal parameters, constraints, and current conditions (i.e., Congress, federal budgets, public attention and delays, etc.).</p>
32	Nevada Cattlemen's Association	<p>g. Mandated by FLPMA, as well as NEPA, is consistency with local land use plans to the maximum extent possible. The draft EA currently is not in conformance with Elko County Public Land Use & Natural Resource Management Plan. Conformance can only be achieved with a collaborative process in which BLM coordinates with Elko County and makes a genuine effort to implement policies and procedures outlined in the Elko County Public Land Use & Natural Resource Management Plan. The Association requests BLM</p>	<p>g. The FLPMA and NEPA consistency requirement (43 USC 1712(c) (9)) and its counterpart regulations (43 CFR §1610.3-1, 3-2) apply only to Land Use Planning and the Resource Management Plan (RMP) revision process. The CEQ regulations (40 CFR §§1502.16(c) and 1506.2(d) extend beyond the RMP revision process but only apply to Environmental Impact Statements. However, the Elko District has coordinated with the Elko County Natural Resource Management and Advisory Commission</p>

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		<p>follow the requirements set forth by FLPMA and NEPA and document in the EA consistencies and inconsistencies with the Elko County Public Land Use & Natural Resource Management Plan.</p>	<p>(NRMAC) on several occasions about this EA. Notices for the scoping period and the availability of this EA were sent to the NRMAC and the Elko County Commissioners. No written comments are recorded as received in the Elko District office from either entity. Furthermore, the scope of this EA is in conformance to the maximum extent possible with the Elko County Public Land Use & Natural Resource Management Plan. See directives 1-1, 1-2, 1-3, 2-1, 2-2, 2-3, 4-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 8-2, 8-3, 9-1, 10-1, 10-2, 10-3, 13-1, 13-2, 16-8, 16-9, 16-11, 18-1, 18-2, 18-4, 18-7, 19-1, 19-2, 19-3, 19-4, 19-5, 23-1, and 23-2 which all conform with the proposed action and scope of this EA.</p>
33	Nevada Cattlemen's Association	<p>h. The draft EA specifically states BLM understands the importance of livestock grazing to the economy but continues to say, "Because BLM cannot conduct a thorough and accurate analysis of how permitted AUMs may affect individual ranchers economically, it is also not possible to predict accurately the consequences to ranches under AUM reductions" as stated on pg. 44 of the EA.</p> <p>BLM is clearly refusing to complete a thorough analysis of the socioeconomic impact reductions in livestock grazing and permitted use can have. The understanding of the economic value of an AUM and impact to local economies is not a new concept and has much scientific information available. For example, the Elko County Public Land Use & Natural Resource Management Plan has modeled indirect and direct impacts AUM reductions will have in Elko County.</p> <p>The Association asks BLM to either complete a socio-economic analysis to include the result of reductions in AUMs or use information already completed within the Elko County Public Land Use & Natural Resource Management Plan.</p> <p>i. Furthermore, the Association requests BLM provide a detailed outline as to how the EA is in conformance or not in conformance with the Elko County Public Land Use & Natural Resource Management Plan.</p>	<p>h. The BLM is required to rely on best available information, and is required to follow a hierarchal process with regard to complying with federal, state, and local statutes where practicable when conducting impact analysis. In conducting the socioeconomic analysis for this EA, BLM referred to BLM Washington Office Instruction Memorandum (IM) No. 2012-070 which identifies the estimated cost to Nevada permittees for alternative forage in Nevada (average private land grazing lease rate). BLM relied on IM No. 2012-070 as the most current and the best available information to conduct the socioeconomic analysis for this EA.</p> <p>i. The Elko County Public Land Use & Natural Resource Management Plan gives several vague estimates to the value of one federal AUM. The plan states <i>"In certain circumstances, one AUM of federal grazing land may be more valuable than an average AUM in production of cattle. This depends on factors such as seasonal dependency, the extent of a given ranch's dependence on federal grazing, availability of substitutes and ranch viability issues. From a ranch production perspective, one AUM of federal grazing land in Elko County could be associated with as much as \$84 in value of cattle production."</i> Without more information how the \$84 figure was derived, this figure would be inaccurate to apply to all ranches across the Elko District.</p> <p>As stated on pg. 67 of the EA, the BLM does not have access to individual permittee financial records and does not</p>

Number	Commenter	Comment	BLM Response
			intend to request financial records from permittees for the purpose of socioeconomic analysis.
34	Nevada Cattlemen's Association	<p>j. The draft EA is contradictory of Nevada water law. Nevada water law has two primary principles, prior appropriation and beneficial use. Prior appropriation unmistakably refers to "first in time, first in right." A person or entity must prove beneficial use of the water allocated. Beneficial use can be irrigation, mining, stock watering, recreation, commercial, industrial and municipal uses. BLM is concerned with the availability of water for wild horses but, refuses to acknowledge the owner of the permitted water rights, the livestock producer.</p> <p>k. The Association requests BLM provide management strategies for available water in consideration of livestock producers who have obtained permitted water rights in accordance with Nevada water law.</p> <p>l. Furthermore, the Association requests BLM define within the final EA how water needs will be met to provide for wild horses in accordance with Nevada water law.</p>	<p>j. Comments noted. See comments 34k and l.</p> <p>k. Comment noted. The Elko District will work with water right holders to develop grazing strategies to make full beneficial use of the water rights to the maximum extent possible within the limitations of federal laws and regulations. Actions will not conflict with existing water rights and will be in accordance with state water law. Holding a state water right does not guarantee access to forage on public lands.</p> <p>l. The Elko District BLM will use water from one of its facilities for the purposes of water hauling for wild horses. Nevada water law recognizes wild horses as wildlife and they are therefore covered underneath NRS 533.367, which allows wildlife access to water it customarily uses. If the BLM needs to develop a new source (new well or new trough on a spring) to put water to beneficial use for horses then BLM could apply for a wildlife water right.</p>
35	Nevada Cattlemen's Association	<p>m. In semi-arid rangelands, drought conditions are not uncommon. At the start of this document, BLM provides the definition of drought from Society of Range Management, "a prolonged chronic shortage of water, as compared to the norm, often associated with high temperatures and winds during spring, summer, and fall." However, the application of the monitoring methodologies outlined in this document are subjective to the person completing monitoring and are not reflective of the best monitoring methods to support the definition provided. For example, the Drought Monitoring Worksheet collects monitoring information for utilization and soil water classification. Monitoring data should always be collected for utilization and soil water classification and, when combined over many years' data, can help suggest adaptive management strategies best for rangeland health. But when applied here, the BLM has the capability to monitor when they choose, making decisions based on a possible biased monitoring data collection. These methodologies cannot assist the BLM in determining whether the area suffers from "a</p>	<p>m. Comments noted. Please refer to part 2 of the Society for Range Management's (SRM's) drought definition provided on page 1 of the EA. The definition states, "A period without precipitation during which the soil water content is reduced to such an extent that plants suffer from lack of water...". The two-part definition takes into account conditions that exist due to a lack of available water to provide for plant growth, production and health. The Elko District employs trained and appropriately educated specialists who are capable of collecting and assessing monitoring data, and that are considered experts in their field of natural resource. Permittees and interested parties will also be invited to participate while the Drought Monitoring Summary is being completed by BLM specialists.</p> <p>The Drought Monitoring Worksheet was adapted by BLM specialists using information pulled from the Nevada Rangeland Monitoring Handbook Second Edition (Swanson et al. 2006). Please refer to the monitoring and drought</p>

Number	Commenter	Comment	BLM Response
		<p>prolonged chronic shortage of water,” but rather trigger a drought response action.</p> <p>n. The Association request the BLM clarify how BLM will determine rangelands are experiencing a drought.</p>	<p>sections of the handbook for more information about rangeland, riparian, and drought monitoring.</p> <p>n. BLM specialists will consult the National Weather Service Climate Prediction Center for information about climatic conditions within the Elko District. Site visits along with monitoring data collected on the Drought Monitoring Worksheet will help BLM specialists evaluate the severity of the drought and the level of resource degradation for site specific locations.</p>
36	Nevada Cattlemen’s Association	<p>o. Many of the drought response actions suggested by BLM can already be implemented by BLM or the permittee through adaptive management strategies. By coordinating and consulting with affected permittees, change in duration, change in season of use, change in livestock management practices or targeted grazing of invasive annual dominated communities can be used.</p> <p>p. Other drought response actions such as change in kind or class of livestock would need further assessment and cannot possibly be used as promptly as suggested in the EA. The Association suggests the BLM review the drought response actions defined for livestock grazing and further clarify how these drought response actions can be employed without further assessment or if an EA is really needed to employ some of the drought response actions.</p>	<p>o. Comments noted. BLM specialists will continue to work with permittees, state agencies, and interested parties to mitigate the effects of drought on impacted rangelands through permitted use. However, drought response actions may be needed to fully mitigate the effects of drought outside of permitted use.</p> <p>p. This EA is needed to change the terms and conditions of some grazing permits to respond to emergency drought situations through the use of drought response actions or alternatives.</p> <p>Without this EA, the only option the BLM has outside of permitted use in some scenarios is to fully close some allotments until resource conditions improve enough for sustainable grazing to occur. Several livestock permittees have requested to change their livestock classification in recent years. Changing livestock classification may help mitigate environmental degradation during drought.</p>
37	Nevada Cattlemen’s Association	<p>q. Public lands are to be managed in accordance with the intent of Congress as stated in FLPMA (43 U.S.C. 1701 et seq.), under the principles of multiple use and sustained yield. The Association believes this requirement is not being met with the EA completed. The Association supports the BLM active approach to manage grazing under drought conditions and development of a drought policy. However, the Association believes this needs to be a collaborative effort involving effected stakeholders, state agencies, federal agencies and range management professionals.</p> <p>r. Scoping comments submitted from the Association requested BLM coordinate with University of Nevada Reno range</p>	<p>q. Comments noted. This EA is in conformance with Land Use Plans, FLPMA, NEPA, and all other federal laws and regulations within the scope of the proposed action (see Sections 1.3 and 1.4 of the EA). Environmental degradation by ungulates during drought is not considered by the BLM to be within the context of multiple use or sustained yield as required by FLPMA. The Elko District has and will continue to work with permittees, counties, state agencies, and all interested parties in collaborative efforts to sustain the productivity and health of BLM lands.</p> <p>r. BLM Elko does not have any record of comments received from the Nevada Cattlemen’s Association requesting</p>

Number	Commenter	Comment	BLM Response
		management specialists to ensure sound science is being incorporated to the drought EA at minimal. The EA provided does not suggest this was done. The Association asks, once again, to incorporate this strategy, and all other comments submitted during scoping that seemed to of been overlooked.	<p>coordination with UNR during the scoping period. However, notices for the EA were sent during the scoping period to the UNR Department of Agriculture, Biotechnology, and Natural Resources, and UNR cooperative extension for review. No comments were received from either UNR entity.</p> <p>Drought monitoring and mitigation actions were adopted into the EA from the drought section UNR Rangeland Monitoring Handbook (Swanson 2006).</p>
38	Salmon River Cattlemen's Association	a. Field visits are essential to evaluate on-site conditions at the time of the visit. However, they will not be predictive of the vegetation response to weather after the visit.	a. Comments noted. If Drought Response Actions are implemented, they will be re-evaluated on a yearly basis to adapt to the existing conditions. Changes in management may be deemed necessary. See Section 2.0 of the EA for more information.
39	Salmon River Cattlemen's Association	b. In a drought situation, the upland plants do not regrow but usually go dormant, which is how they have evolved to survive the previous droughts. Thus, a shorter duration of grazing does not necessarily improve the plants' carbohydrate reserves. Light grazing actually reduces transpiration from that of non-grazed plants, thus grazed plants may actually have less desiccation effects.	b. Comments noted. Please refer to Section 1.1, 1.2, 3.3 and 4.1 K of the EA for more information about the effects of grazing during drought.
40	Salmon River Cattlemen's Association	c. A reduction in AUM's does not directly equate to utilization of individual plants. Grazing livestock and wildlife will select the most preferred plants and may leave the adjacent more phonologically mature, wolf plant, or less desirable species ungrazed. A lower stocking rate on average reduces utilization on the plant community scale, but on the individual plant scale most plants are either <10 utilized or more than 50% utilized.	c. Comments noted. Reduced AUMs is one of several Drought Response Actions that may be implemented by the BLM. Please refer to Section 2.1 for more information on Drought Response Actions.
41	Salmon River Cattlemen's Association	<p>d. Alternative 2.2 Grazing Closure Alternative Unnecessary and unacceptable! This would financially ruin many ranches.</p> <p>e. Most allotments are stocked conservatively so that about 30 to 40% utilization of the key species in an average year. Even with a 50% reduction of forage in a severe drought, the utilization could increase to 60% to 80% at the same stocking rate. A 25% reduction in AUM's should still allow a 50% utilization target on key species in a severe drought.</p>	<p>d. Comments noted. See Sections 3.3 and 4.1 K.</p> <p>e. Comments noted. Keeping stocking rates the same as normal precipitation years during a drought could lead to rangeland degradation. Please refer to Section 3.3 K of the EA for more information about decreasing stocking rates during drought.</p>
42	Salmon River	f. The climate prediction center information and Remote	f. Comment noted. Please refer to Attachment 1 (Drought

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	Cattlemen's Association	Automatic Weather Stations data should be evaluated, but there are large gaps where local conditions may be different.	Monitoring and Mitigation Plan) of the EA for more information about site specific monitoring. The BLM will use many methods when determining drought conditions on rangelands. Soil moisture content along with plant vigor will also be assessed to determine site specific drought impacts on localized plant communities.
43	Salmon River Cattlemen's Association	g. We oppose the restriction of 30% utilization of key species because it is not justified or predictive of retaining the key species plant composition as reported by Eneboe et al. (2002).	g. The Eneboe et al. (2002) study referred to is not applicable to rangelands within the Elko District. 1) The study was located near Miles City, Montana (elevation approximately 2,370 feet), an area represented by semi-arid mixed grass prairies of the Northern Great Plains. The Elko District (elevation ranging from 4,600 to 8,500 feet) within the Great Basin is generally covered by sagebrush steppe, and saltbush vegetation, although there are also native cool season grasses. 2) The average precipitation for the study area was 34 cm (13.39 inches), with most of the moisture accruing during the spring, summer, and fall months. Elko District valley and playa elevations range from 4,000-5,000 ft. with an average annual precipitation of 5 to 23 cm (2-9 inches). The precipitation accumulations at the study area do not represent the climatic systems present within most areas of the Elko District. 3) Grasses in the shortgrass prairie region of the study area have evolved to respond to herbivory more favorably than the cool season grasses found in the Great Basin. Herbaceous plant forage production is also much higher in the shortgrass prairie of the study area. More precipitation during the active growing season helps plants respond to herbivory better during drought. 4) Further, the grazing treatments in the study were simulated to reflect grazing and do not fully represent the actual disturbance of livestock grazing during drought. Please refer to Section 2.0 B of the EA for more information on 30% grazing utilization triggers during drought, including citations.
44	Salmon River Cattlemen's Association	h. Grazing closure would have severe economic consequences for the permittees. The forage necessary to replace that lost	h. Comments noted. BLM is mandated by Congress and federal law to manage productive and healthy rangelands for

Number	Commenter	Comment	BLM Response
		<p>from closure 1) is not available, and 2) is not affordable. This action would cause liquidation of many permittee herds.</p> <p>i. The closure would also increase the risk of catastrophic wild fires which could do further damage to the sage grouse birds and habitat. Closure would also allow proliferation of undesirable species such as cheatgrass.</p>	<p>the benefit of multiple uses. Drought Response Actions that implement closures to grazing may be appropriate in some circumstances.</p> <p>i. Comments noted. Please refer to Sections 3.3 and 4.1 K, G, and M of the EA for more information about the affected environment and cumulative effects of the grazing closure alternative, including the fire management section.</p>
45	Eureka County Board of Commissioners	<p>a. Are site specific EAs going to be necessary under the ED EA? We question the need for the BLM ED to prepare and publish the EA and ask for clarification on this matter.</p>	<p>a. Site specific decisions will be tiered to this Environmental Assessment following implementation of the Drought Mitigation and Monitoring Plan and the assigned Drought Response Actions that are deemed necessary by the BLM authorized officer. Please refer to Section 2.0 for more information how drought related decisions will be made. This EA is necessary to temporarily change the terms and conditions of a grazing permit.</p>
46	Eureka County Board of Commissioners	<p>b. At the Eureka County NRAC meeting on April 18, 2012, representatives from the Battle Mountain and Elko BLM districts were in attendance to discuss the drought. When the acting Tuscarora Field Manager was asked why the ED was not moving forward with a drought management EA, he responded that it was not necessary and that management provisions that may be necessary to implement during extreme drought conditions are already at the disposal of BLM without an EA. We agree. Please explain to us why an EA is now necessary under the legal and regulatory strictures BLM is mandated to follow.</p> <p>c. Is BLM asserting that simply following regulatory and policy guidelines to timely respond to drought requires NEPA at this programmatic level?</p>	<p>b. During the 2012 grazing season, several permittees approached BLM to question if changes could be made where ungulates, in combination with drought, were negatively impacting areas throughout the District, to eliminate escalating impacts on the landscape. The Elko District was unable to accommodate these permittees because of limited flexibility within the terms and conditions of their grazing permits. The Nevada State BLM office in consultation with other Nevada District BLM managers determined a “Drought EA” would be the most appropriate method to accommodate the necessary changes such that sustainable ungulate use was feasible and manageable on public lands. Please refer to Section 1.2 of the EA for more information.</p> <p>c. Refer to the comment above.</p>
47	Eureka County Board of Commissioners	<p>d. As we are all aware, some anti-multiple-use activist groups are successful in their challenges of BLM management decisions based on NEPA process alone, not the merits of the management. Our concern is that now, ED BLM has created another potentially unnecessary NEPA process in which decisions will be based and therefore challenged by these groups. Instead of relying on current provisions in place through Resource Advisory Council Standards and Guidelines</p>	<p>d. Comment noted. Please refer to responses to comments 18a (NCA), 19b, 20c, and 29c (Ellison).</p> <p>While the BLM is required to comply with Resource Advisory Council Standards and Guidelines, this does not exempt the BLM from the requirements under NEPA to analyze and disclose environmental impacts associated with implementation of Drought Response Actions. This EA</p>

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		and regulations for both Rangeland Health and wild horse and burro management that already allow for quick actions in emergency situations, another layer of process driven red-tape has been added.	meets NEPA requirements and is consistent with 43 CFR §§ 4000 and 4700.
48	Eureka County Board of Commissioners	<p>e. Federal agencies have long used a qualitative methodology called Proper Functioning Condition (PFC) to evaluate the condition of riparian systems on federal land. Traditionally PFC has been applied to perennial streams and water bodies for which qualitative PFC evaluations can be bolstered by quantitative channel depth/width ratios, sinuosity, and other measurements. It appears that the EA proposes a few select, and very qualitative, PFC indicators as the method to determine some DRAs but falls short in describing the follow-up quantitative measures that would go into implementing these actions. The EA should reference the sources and protocols for data collection, reporting, and analysis.</p> <p>f. Is PFC an appropriate measure of the health of isolated seeps and springs? Should the PFC methodology be used for ephemeral streams and seeps?</p> <p>g. We argue that riparian monitoring outlined in the EA will only result in biased and subjective decisions.</p> <p>h. The EA should report data sources and reference BLM protocols used to do so and describe how these protocols are acceptable and defensible in terms of rangeland and riparian science.</p>	<p>e. Comments noted. Please refer to Section 2.0 of the EA for a description of Drought Monitoring Methods and pages 5 through 7 of the Drought Mitigation and Monitoring Plan (Attachment 1) for a description of monitoring methods that would be used to determine if Drought Response Actions should be implemented by the BLM authorized officer.</p> <p>f. Refer to the previous comment, 48e.</p> <p>g. Comment noted. BLM Elko used, as required by NEPA in Sec. 102 [42 U.S.C. 4332], an interdisciplinary process to complete the EA, which among other criteria required the special expertise (Sec. 1508.26) of natural and social sciences and the environmental design arts in planning for analysis within the EA. This includes specialists trained in their specific field of resource, guidance offered by peer-reviewed best science available literature reviews, and past methods and practices defined in multiple handbooks and other documents referred to in the reference section of the EA.</p> <p>h. This EA references many different citations. Refer to Section 2.0 A and B for more information about BLM protocols and sources used to derive the protocols and triggers found in this EA.</p>
49	Eureka County Board of Commissioners	i. Unless horses are managed within AML, all other management actions within HMAs are at high risk of failure. Wild horse management needs to be prioritized to reflect this.	i. Comment noted. See comment 25k (Ellison).
50	Eureka County Board of Commissioners	j. Development of water for wild horses should be analyzed to consider impacts of such developments on wildlife and livestock.	j. Comment noted. This EA does not propose to develop permanent water sources for wild horses. Please refer to page 10 of the revised EA, which proposes the use of temporary water hauls as appropriate. The impacts of temporary waters hauls have been analyzed in Section 3.3 and 4.1 of the EA.
51	Eureka County Board of	k. The EA establishes a framework to allow BLM to greatly impact livestock operations through AUM reductions, season-	k. Please refer to part 2 of the Society for Range Management's (SRM's) drought definition provided on page 1 of the EA.

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	Commissioners	<p>of-use changes, or other prohibitive actions based on a misinterpretation of the definition of drought. The EA properly defines drought using the SRM definition on page 1 of "A prolonged chronic shortage of water..." (emphasis added). However, in other places in the EA the drought response triggers and drought response actions can take place with an extended period of dry weather that is neither prolonged nor chronic. Given the nature of Nevada as the driest state in the Nation, many of the drought triggers would take place in even the best of years when drought is not a factor. Take the past three water years as an example. The water year of 2010-2011 was a record year with nearly all areas over 100% of normal and many areas around 200% of normal precipitation; 2011-2012 water year had many areas at 50% or less of normal precipitation; the current 2012-2013 water year is on track to be at or above normal and is currently above normal for the period of record. These water years taken together do not meet the definition of drought. However, given the triggers and actions in the EA, BLM has the latitude to take a few days or weeks of dry weather, not truly drought, and make very restrictive decisions that are undue or unjustified. Semi-arid rangelands and vegetation communities in Nevada exist with and in many cases because of persistently dry conditions-they are adapted to the roller-coaster of wet and dry periods. Please clarify and clearly describe very specifically when BLM will consider rangelands to be in drought.</p>	<p>The definition states, "A period without precipitation during which the soil water content is reduced to such an extent that plants suffer from lack of water...". The two-part definition takes into account conditions that exist due to a lack of available water to provide for plant growth, production and health.</p> <p>Making drought management decisions based solely on meteorological conditions may be erroneous. For example, precipitation from a previous year may not be accessible for the current year's plant growth if conditions have resulted in the loss of soil moisture. In instances such as these, part 2 of the drought definition would apply.</p> <p>The U.S. Drought Monitor will be used to monitor meteorological conditions (part 1 of the drought definition) with the Vegetation Drought Response Index being used to monitor vegetation drought stress (part 2 of the drought definition). Once drought conditions have been identified, the Drought Monitoring Worksheet will be used to verify site-specific drought conditions along with resource degradation.</p> <p>Please refer to Section 2.0 A of the revised EA for a discussion of drought indicators that will be used to identify the onset and/or continuation of a drought.</p>
52	Eureka County Board of Commissioners	<p>1. Our belief that the socioeconomic analysis in the EA is very inadequate is summed up by the statement on page 44, "Because BLM cannot conduct a thorough and accurate analysis of how permitted AUMs may affect individual ranchers economically, it is also not possible to predict accurately the consequences to ranches under AUM reductions." This statement is very disingenuous given the large amounts of scientifically sound and respected research that has taken place in Nevada regarding AUM reduction economic effects. It is not that BLM "cannot" conduct the analysis (that is not impossible as asserted); it is that BLM <i>did not</i> conduct the analysis.</p>	<p>1. Comment noted.</p> <p>As stated in Section 3.3 M of the EA, the BLM does not have access to individual permittee financial records and does not intend to request financial records from permittees for socioeconomic analysis purposes.</p> <p>In conducting the socioeconomic analysis for this EA, BLM referred to BLM Washington Office Instruction Memorandum (IM) No. 2012-070 which identifies the estimated cost to Nevada permittees for alternative forage in Nevada (average private land grazing lease rate).</p> <p>The University of Nevada Report: Reno Technical Report</p>

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		<p>Livestock grazing on federal administered land is vital to Eureka County and its residents. Nearly all of the cattle and sheep commodity sales in the county are made possible by grazing permits on federal administered land. Of all the agricultural commodity sales in Eureka County, cattle/ calves and sheep/lambs historically average 40% of the sales with most of the remainder made up of export hay.</p> <p>According to the 2007 Census of Agriculture, there was a livestock inventory in Eureka County of nearly 25,000 head and \$25,015,000 worth of agriculture commodity sales. Since livestock accounts for 40 percent of agriculture commodity sales, livestock production is responsible for generating \$10,000,000 worth of product sales in Eureka County in 2007.</p> <p>The direct and induced benefits of the livestock industry in Eureka County can be determined based upon information contained in the University of Nevada Report: Reno Technical Report UCED 2005/06-14 Updated Economic Linkages in the Economy of Eureka County. The livestock sector in Eureka County has a final demand multiplier of 2.0283. In short this means that for every \$1 generated by the sector Eureka County's economy will benefit \$2.02 of total revenue. The high final demand multiplier suggests strong economic linkages of the livestock sector to other sectors of the county's economy. Income and employment multipliers are also of importance. The livestock sector has an income multiplier of 1.6812 and an employment multiplier of 1.4439. Thus, for every \$1 generated by livestock production, total county household income increases by \$1.68 and for every job added by the livestock sector, total employment in Eureka County increases by 1.44 employees.</p> <p>Therefore, it is concluded that in 2007 the \$10,000,000 of livestock product sales in Eureka County resulted in \$20,283,000 in total revenue to Eureka County and \$16,812,000 in household income increases to Eureka County residents. Further, there are at least 28 different ranching families/grazing permittees utilizing at least 42 allotments in the County. A very conservative estimate is that each ranch directly employs at least 4 individuals. This would result in 112 direct jobs and 162 total jobs related to federal</p>	<p>UCED 2005/06-14 Updated Economic Linkages in the Economy of Eureka County is outdated. There has recently been a significant increase in gold mining activity in northern Nevada which has changed the dynamics of the Eureka County economy.</p> <p>The BLM is required to rely on best available information while conducting impact analysis. As IM No. 2012-070 was issued in 2012, BLM relied on it as the best available information to conduct the socioeconomic analysis for this EA.</p> <p>Additionally, the intent of implementing Drought Response Actions is to protect rangeland health to ensure the sustainability of livestock grazing on public lands managed by the Elko District. Though Drought Response Actions may have short-term impacts to livestock operators, long-term economic benefits are expected as a result of reduced impacts to range resources (e.g., forage production) during drought, thus reducing potential for future AUM reductions due to rangeland degradation if identified through S&G evaluations. Drought Response Actions are intended to be applied on a case-by-case basis using site-specific information. If implemented, the Drought Response Actions would remain in effect during the duration of the drought or until site-specific conditions are improved, as identified through written notice signed by the authorized officer. Implementation of Drought Response Actions will not modify the Terms and Conditions of livestock grazing permits.</p> <p>Refer to Sections 3.3 and 4.1 M of the EA for more information for more about the socioeconomics associated with this EA.</p>

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		<p>administered land grazing within the County. For context, it is important to keep in mind that the total population of Eureka County in 2007 was estimated to be approximately 1,600.</p> <p>Since 2007, agricultural commodities in Eureka County have greatly increased. Beef and lamb prices are at record levels. Although likely the best available information, the estimates from 2007 are extremely conservative.</p> <p>In 1999 funds were appropriated through the Nevada Legislature to create a Nevada Public Land Grazing Database and Economic Analysis. In 2000, the Nevada State Department of Agriculture asked the Nevada Association of Counties to assist in fulfilling this mandate. Resource Concepts, Inc. was contracted to help complete the database and analysis. The product of this effort is the report, <i>Nevada Grazing Statistics Report and Economic Analysis for Federal Lands in Nevada (Resource Concepts, Inc. March 26, 2001)</i>. Table 3 of the Report (p. 48) summarizes the economic impacts of 1AUM of grazing in Nevada as follows:</p> <p>Basically, for every AUM lost (or gained), the overall impact to the livestock producer himself in one year equals \$29.40. The total economic impacts, which include the industry impacts and value added impacts, totaled to \$53.40 per AUM (\$29.40 direct and \$24.00 in indirect and induced impacts).</p> <p>The figures above do not take into account inflationary changes since 1999. Applying inflation based on data reported by the Bureau of Labor Statistics gives a current value of one AUM at over \$75.00.</p> <p>Please revise the EA with proper socioeconomic analysis that would include the information above and have discussion regarding the social part of socioeconomics. Ranching in Eureka County serves as social glue that holds together our rural communities in many cases.</p>	
		<p>m. The drought response trigger for water appears as an attempt to provide water to uses in which there is no water right. Having the trigger based on the presence of absence of available water may result in takings of property (water rights</p>	<p>m. Comment noted. By implementing Drought Response Actions for water, the BLM can identify if water quantities are insufficient to meet water demands for livestock, wildlife and wild horses. A lack of available water often</p>

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53	Eureka County Board of Commissioners	<p>and appurtenant forage) to provide for other use in which no excess water above the adjudicated or permitted water right exists (which is the definition of available water according to Nevada Water Law).</p> <p>n. Please revise the trigger to make it clear that water is only available when the needs of the permitted or adjudicated water right are first satisfied. If BLM wishes to provide available water for needs in addition to underlying water rights for stockwater, BLM should pursue ways to acquire water rights according to state water law rather than seek backdoor approaches to obtain water through administrative decisions that are counter to law. As an example, the EA suggests BLM is considering creating temporary water developments for wild horse herds.</p> <p>o. Please disclose how development of water for wild horses meets state water laws and how the BLM will apply for and receive such appropriations in a timely manner to address drought issues.</p>	<p>leads to the concentrated use of preferred areas, which may result in the uneven distribution of animal impacts (i.e., overutilization). According to Teague et al. (2004), drought compounds the effects of herbivory, thereby, providing periods of accelerated deterioration. Implementing Drought Response Actions will help ensure proper distribution and avoid resource degradation. The Elko District will work with water right holders to develop grazing strategies to make full beneficial use of the water rights to the maximum extent possible within the limitations of federal laws and regulations.</p> <p>n. Temporary water hauls used to provide water for wildlife and/or wild horses during drought would only utilize water sources for which the BLM holds water rights. The Drought Response Actions identified in the EA are intended to prevent resource degradation, not facilitate a means by which the BLM would violate existing water rights. Refer to Section 3.3 P, page 85 for more information.</p> <p>o. The Elko District BLM has full authority to provide temporary water sources for wild horses on public lands and would do so in accordance with state and federal laws. Refer to comment 34k and l and Section 3.3 P, page 85 of the EA for more information.</p>
54	Eureka County Board of Commissioners	<p>p. In many circumstances the EA speaks of “a shorter growing season directly impacts...rangeland health.” Rangeland health is the long-term ecological functioning of rangelands and cannot be determined on a year to year basis. It cannot be determined based on short periods of dry (or wet) conditions. It can only be determined through multiple years of quantitative data collection and analysis. Using the term “rangeland health” as a corollary to yearly conditions is incorrect.</p>	<p>p. Comments noted. A search throughout the EA found no inference or citation stating “a shorter growing season directly impacts...rangeland health.” The Society for Range Management’s committee on Unity in Concepts and Terminology, defines Rangeland Health as <i>“The degree to which the integrity of the soil, vegetation, water, and air, as well as the ecological processes of the rangeland ecosystem are balanced and sustained.”</i> Rangeland health will be defined as such in the Final EA.</p>
55	Eureka County Board of Commissioners	<p>q. Another point that we wish to convey is the bias that the EA carries that has been institutionalized based on various stubble height and utilization theories at the expense of scientific understanding of hydrology and plant physiology.</p> <p>r. The EA also fails to acknowledge the known benefit of litter versus standing residual material. Litter should not be</p>	<p>q. Without further detail this comment cannot be addressed.</p> <p>r. Comment noted. Refer to Section 3.3 N for more information about the benefits of litter in ecological processes.</p> <p>s. Howery (1999) found that the degree to which drought</p>

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		<p>overlooked as it is a very important component, especially in times of drought. Litter provides the same, if not better, protection against erosion when compared to standing residual matter (stubble height) with more bare ground in the interspaces.</p> <p>s. Further, the EA states that a residual stubble height of cheatgrass areas would be required to provide some protection against wind and water erosion. This requirement is simply not supported by science and does not take into account the importance of litter in protecting against erosion.</p> <p>t. Targeted grazing, by definition, is focused on being intensive and removing most of the non-desired plant. Often, in targeted grazing situations, much of the standing residual material considered stubble height is trampled down and becomes litter.</p> <p>u. Stubble height and utilization have been shown to, in many cases, not be robust indicators of the functionality of rangeland sites. Scientific studies in Idaho (University of Idaho Stubble Height Study Team 2004) and Arizona (Smith et al. 2005) have helped in clarifying the danger in using stubble height and utilization in an unjustified manner. In a nutshell, timing, frequency, and intensity are much more important to manage than utilization. Focusing on utilization and stubble height is often misused and will result in decisions that are arbitrary and unfounded. Both studies offered similar conclusions and are summarized best by Smith et al. (2005) as follows:</p> <ol style="list-style-type: none"> 1. Utilization is a useful tool in range management decision making, but utilization guidelines should not be used as management objectives. 2. Utilization, as defined by SRM and others, is not the same thing as "seasonal utilization" measured before the end of the growing season. Utilization guidelines cannot be used for seasonal utilization. 3. Utilization of key forage species, unlike overall utilization levels in a pasture or allotment, is an indication only of livestock grazing pressure, and is not necessarily related to any other resource uses or values. 4. Key areas for livestock grazing are areas selected to 	<p>impairs the range depends on the intensity, frequency and timing of grazing. Soil moisture needed for plant growth and maintenance is often limited during drought. In order to reduce impacts to vegetation communities, utilization and stubble height would be one of several factors considered by the BLM as a Drought Response Action "trigger." The use of such indicators to remove grazing from annual dominated areas upon reaching the 2" stubble height is supported by literature from Peischel and Henry (2006).</p> <p>t. Comment noted.</p> <p>u. Comment noted. BLM rangeland specialists respect the opinions of the Idaho Stubble Height Team (2004) and Smith et al. (2005). However, utilization and residual measurement studies used by BLM have been used successfully for many years to evaluate grazing on rangelands (BLM Technical Reference 1734-3). These are scientifically accepted methods that can help evaluate grazing intensity and pressure, regardless of what season the data is collected. The BLM is aware of the differences between end of season utilization and seasonal utilization. Regardless of the season, overutilization during drought can negatively impact plant health and impair the ability (in the future) of the range to meet, or make significant progress towards fulfillment of standards and guidelines of rangeland health and multiple use goals.</p> <p>The Elko District BLM is also open to considering other feasible and proven scientific methods that are designed for Elko District-similar rangelands that would be used to evaluate forage consumption levels and pressure by ungulates during drought.</p>

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		<p>indicate the general level of livestock use over a management area. Utilization in key areas does not necessarily indicate impacts on other resource values or uses.</p> <ol style="list-style-type: none"> 5. Setting a different proper use level for different range condition classes is not supported by research, at least within the bounds of conservative stocking levels currently recommended on public lands. There is no known basis for establishing different utilization guidelines for different classes of "range condition." 6. Utilization guidelines and estimation procedures applicable to grass ranges may be inapplicable or difficult to employ on ranges where much of the forage supply comes from shrubs and/or annuals. 7. Use of utilization to adjust stocking rates should be based on measurement of utilization made in the fall on ranges grazed during the growing season, and in the spring on winter or year-round ranges. Excess utilization over a considerable portion of the range over a period of several years may indicate a need to reduce stocking or make other management changes. Likewise, low levels of utilization over large areas and several years may indicate an opportunity to increase stocking. 8. Seasonal utilization should not be used as a rigid standard to trigger livestock moves or removal from grazing permits. Such actions should consider the operation of the entire management unit, including all land ownerships, for the balance of the grazing year. Coordination across land ownerships can enhance management of the landscape as a whole. 9. Some adjustment to livestock numbers and duration of use, based on seasonal utilization may be necessary, for stewardship of the resources when evaluated in conjunction with other factors. 10. Mapping of use zones and estimates of utilization to provide collateral information for long-term trend monitoring both provide information that is very useful in rangeland management planning. Given these points, the approach set forth in the EA hand conflicts with ecologically-based management decisions. We ask that 	

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		they be addressed before any final decision based on the EA.	
56	Eureka County Board of Commissioners	v. We ask BLM to take a hard look at the realities of implementing some of the DRAs outlined in the EA. Many of the DRAs will prove difficult, if not impossible, to implement such as changing kind or class of livestock. Given the huge reductions in sheep numbers in Nevada over the past decades and the difficulties of mobilizing relatively large numbers of animals to new areas, the reality of this action is that it is likely only possible on paper.	v. Comment noted. See comments 18a, 19b, 20c, 29c, and 36o and p. Changing livestock classification may be a viable option for some permittees. See comment 153ee (Dorsey).
	Eureka County Board of Commissioners	w. Also, please remove the use of “monotypic invasive annual communities” in the Drought Monitoring and Mitigation Plan and replace with “invasive annual dominated communities.” If this change does not take place, it could be argued that targeted livestock grazing would not be allowed in any area where even one desirable or non-invasive plant is present. x. Also, please cite and use the local research on the Gund Ranch regarding grazing of cheatgrass which has concluded that fall grazing coupled with spring grazing is necessary to see results in reduction of cheatgrass.	w. Comment noted. The Drought Monitoring and Mitigation Plan was changed to reflect “invasive annual dominated communities” instead of “monotypic invasive annual communities.” x. The Gund Ranch study has been cited under the “Temporary targeted grazing of invasive annual dominated communities” section on pg. 11.
57	Eureka County Board of Commissioners	y. Some DRAs revert to stocking levels and seasons-of-use based solely on annual utilization monitoring. Without establishing what the issue(s) are and employing regular ecologically-based monitoring information there is no way to know whether the management prescriptions set forth will be successful or what the problem is to be managed. z. Further, the EA infers that riparian functionality is rated lower if the riparian vegetation has been grazed without regard to the effects on health and vigor of the plants due to the season of grazing. Short (grazed) plants often have fully developed root systems that fully occupy and stabilize the soils. Vigorous, healthy plants that are grazed would be seen in a negative light given the focus on utilization and stubble height which in turn allows for oversight of other causal factors to at-risk riparian functionality. Most of the seasons of use imply that elimination of hot season grazing will result in improved riparian habitat. This statement is suspect in that it can only be Justifiably made with monitoring and actions that allow for	y. Comment noted. No Drought Response Actions would be implemented based solely on annual utilization monitoring. Utilization monitoring is one of several site specific variables that would be considered by the BLM authorized officer if Drought Response Actions should be implemented. If Drought Response Actions are implemented by the BLM, areas will be reassessed on a yearly basis to see if management changes are working or if other Drought Response Actions or alternatives should be implemented. z. Comments noted. While grazed plants can provide soil stability, stubble from grazed herbaceous species can be useful for producing roughness that slows water and encourages sediment deposition and retention. Refer to the literature from Clary and Leininger (2000) for more information about the proper use of stubble height. aa. This EA, as written, gives the BLM (and permittees) more

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		<p>critical evaluation of all factors including grazing.</p> <p>aa. As currently written, the EA does not allow for evaluation of any factors other than grazing and also provides limited flexibility to adjust management as issues arise and are defined.</p>	<p>flexibility during drought periods when rangelands are stressed. This EA also analyzes the effects of wild horses and wildlife and their associated impacts during drought periods. Refer to Sections 3.3 and 4.1 (B and P).</p>
58	Eureka County Board of Commissioners	<p>bb. Basing decisions, such as determination of key species, according to Ecological Site Descriptions (ESD) is misused in the EA because there is no discussion on determining what state any given ecological sites is in before a DRA is implemented. ESDs are only useful when there is an understanding of what state the site is in and how, or if, it can be managed for stability in its current state or management to a more desired state. Using the State and Transition Models is necessary to improve the underlying understanding and explanation of the drought impacted areas.</p>	<p>bb. Comments noted. The EA does not propose to base management decisions on Ecological Site Descriptions (ESDs) or any type of plant community successional model(s). The EA only proposes to use ESDs to determine key species for monitoring locations. The EA states, “In instances where key species referenced in the ESD are absent, key species will be identified using site-specific and past monitoring data.”</p> <p>The EA is not intended to implement management actions for returning plant communities to their original state. The purpose of the EA is to analyze alternatives that would allow for a rapid response to drought in order to alleviate the impacts of authorized uses and activities on natural resources that are at risk of being adversely affected by drought. Grazing during drought can, in fact, impair future health of impacted rangelands. The following are some scientific findings in regard to this matter: Drought or water stress affects virtually every physiological and biochemical process in plants (Hanselka and White 1986). Grazing management practices before, during, and following a drought would influence the ability of native rangeland vegetation to recover (Encinias and Smallidge 2009). Lagged responses toward drought pose a threat to sustainable management of rangelands (Thurow and Taylor 1999).</p>
59	Eureka County Board of Commissioners	<p>cc. There is a general lack of quality, quantitative, and not-biased resource monitoring and inventory in the EA targeted towards resource objectives of DRAs. The EA must be revised to clearly specify how and when progress toward long-term objectives or desired plant communities will be monitored. Without regular ecologically-based monitoring information and without flexibility in management, there is no way to know whether the management prescriptions set forth will be</p>	<p>cc. Comments noted. The purpose of drought management is to maintain the current health of plants and rangelands and to avoid degradation of resources. The goals of the EA are to:</p> <ol style="list-style-type: none"> 1) Provide for the early detection of and response to drought conditions. 2) Promptly identify and prevent further degradation of affected resources on lands impacted by drought within the

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		<p>successful. Furthermore, there must be a monitoring based feedback mechanism to adapt management as DRAs are implemented. The EA should disclose and analyze mechanisms for BLM and affected interests to determine if primary resource values (i.e., high elevation riparian areas) remain at risk during or after DRA implementation. The EA should also report and analyze timelines and mechanisms to make changes to management schemes if data indicate the DRA is not creating the desired result. Robust monitoring will be necessary for BLM and stakeholders to successfully meet the goals and objectives. Monitoring should be quantitative, objective, and include both site-specific and landscape- level data correlated to management objectives and desired outcomes. Quantitative objective setting and monitoring will be important to setting time tables for opening areas to grazing following DRA implementation. Simply stated, the current Drought Monitoring Worksheet is very subjective, not defensible in terms of proper rangeland science, and will result in arbitrary decisions.</p>	<p>Elko District. 3) Provide for the rapid implementation of Drought Response Actions in order to alleviate the impacts of authorized uses and activities on natural resources that are at risk of being further affected by drought.</p> <p>The focus of the EA is not long-term, but is short-term in nature to allow for management adjustments on a temporary basis during drought. The monitoring methods chosen are BLM approved methods. These methods were selected due to the fact that they can be quickly conducted. If and/or when a drought occurs, resources (including staff) may be limited. Robust monitoring is not realistic. Site-specific data will be collected.</p> <p>Drought Response Actions would be implemented through the issuance of full force and effect decisions pursuant to 43 CFR §4110.3-3(b), and would be implemented within all appropriate laws, regulations and policies. Full force and effect decisions would be supported by site-specific monitoring data collected as outlined in the Drought Monitoring and Mitigation Plan and recorded on the Drought Monitoring Worksheet. Justification for wild horse and/or burro drought gathers would be thoroughly documented within a site-specific drought gather plan (see Attachment 2 of the revised EA for a Drought Gather Plan Outline).</p>
60	Eureka County Board of Commissioners	<p>dd. We argue that BLM cannot state that the EA is in conformance with other land use plans (pg. 2, Section 1.2) until every practicable effort has been taken to achieve consistency with State and local plans and policies. This is mandated through NEPA and FLPMA themselves and the CEQ and BLM implementing regulations, respectively. We specifically request that BLM follow these requirements and add a section to the EA outlining how the EA is in conformance with the Eureka County Master Plan and the Nevada State Drought Plan to the maximum extent possible. Also, we ask that BLM include in the Environmental Consequences section of the EA descriptions of where the management provisions of the EA are inconsistent with State and local plans and describe what would be done to reconcile</p>	<p>dd. The FLPMA’s consistency requirement (43 USC 1712(c) (9)) and its counterpart regulations (43 CFR §1610.3-1, 3-2) apply only to the Resource Management Plan (RMP) revision process. The CEQ regulations (40 CFR §§1502.16(c) and 1506.2(d) extend beyond the RMP revision process but only apply to Environmental Impact Statements. The purpose of this EA is to provide a framework that will allow BLM Elko to mitigate the effects of overuse by ungulates in combination with drought. This EA is in no way intended to facilitate a revision to any Elko District Resource Management Plan.</p> <p>The Elko District BLM, during the scoping and data gathering process, reviewed the Eureka County Master Plan</p>

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		<p>these inconsistencies.</p> <p>The EA is not in consistent with Eureka County's plans and policies. Consistency will only be met if BLM coordinates with Eureka County and properly and adequately incorporates our input and specific requests outlined below.</p>	<p>and the State Of Nevada Drought Response Plan (revised and signed April 2012). No information regarding the management of ungulates during drought was found in the Eureka County plan. Within the framework of federal law, it was discovered that there are some consistencies with the Eureka County Mater Plan, the State Drought Response Plan and this EA:</p> <p>EUREKA COUNTY MASTER PLAN</p> <ul style="list-style-type: none"> • Drought Response Actions would be implemented through the issuance of full force and effect decisions pursuant to 43 CFR §4110.3-3(b), after consultation with, or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the state having lands or responsible for managing resources within the area. (EA pg. 4). • Full force and effect decisions would be supported by site-specific monitoring data collected as outlined in the Drought Monitoring and Mitigation Plan and recorded on a Drought Monitoring Worksheet. Justification for wild horse and/or burro drought gathers would be thoroughly documented within a site-specific drought gather plan (see Attachment 3 of the revised EA for a Drought Gather Plan Outline). <p>STATE OF NEVADA DROUGHT RESPONSE PLAN</p> <ul style="list-style-type: none"> • Both the State of Nevada Drought Response Plan and the Elko District EA, site the use of the U.S. Drought Monitor to indicate the onset of a drought and monitoring of drought conditions. (Please refer to page 4 of the Nevada Drought Response Plan and pg. 3 of the Elko District EA). <p>Both plans describe a phased approach to drought management, which is also the premise of this EA.</p>
61	Eureka County Board of Commissioners	<p>ee. Our reading of the EA reveals a paradigm in the BLM that is more ideological than ecological with regards to livestock grazing impacts on rangeland resources. The tone of the EA is that livestock grazing is only detrimental. There is no reference to rangeland research that has shown the benefit of properly managed livestock grazing to synergize proper nutrient cycling, reduce fine fuel loads and invasive species,</p>	<p>ee. Comments noted. Livestock can be beneficial, however during a drought grazing management should be designed for rangeland health maintenance, as opportunities for habitat improvement and enhancement are likely to be limited during drought.</p> <p>The premise of the EA is that drought years are not as productive as years of normal or above normal precipitation.</p>

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		<p>and help reach certain objectives such as riparian habitat enhancement and wildlife habitat improvement.</p>	<p>As such, rangelands impacted by drought are often unable to support ungulates in a manner that is suited for years of normal or above normal precipitation. The on-the-ground evidence, that is well supported in range science literature, highlights the detrimental characteristics of livestock grazing and wild horse use on rangelands during drought. Grazing management methods must be adaptive to rangeland conditions, especially during drought, to ensure that unreparable resource damage does not occur.</p> <p>Please refer to pages 33 and 59 for discussions regarding the targeted grazing of cheatgrass and the reduction of undesirable species and hazardous fine fuels.</p>
62	Eureka County Board of Commissioners	<p>ff. We subscribe to the ideal of Aldo Leopold as he wrote in the Sand County Almanac, "There is only one soil, one flora, one fauna, and one people, and hence only one conservation problem. Economic and esthetic land uses can and must be integrated...on the same acre." Leopold cautioned against "fixing the pump without fixing the well." We believe the same. For any natural resource issue to be solved, it must have economic solutions. Land "healing" or "restoration" must be attached to land "profitability" in order to work.</p> <p>We are concerned that many of the provisions and DRAs outlined in the EA are in spite of economic (and social) considerations. We strongly request that BLM take every effort to incorporate actions to bring most benefit to ranching families and local economies first before implementing any prohibitive or restrictive management action.</p>	<p>ff. Comments noted. The BLM is required by the Federal Land Policy and Management Act (FLPMA) of 1976 to provide for multiple-use. Multiple Use is defined as "...management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people..." The act goes on to state..."and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output (emphasis added)."</p> <p>Responsible management during drought is needed to provide for the health and sustainability of the resources. Sustainable management of range resources will in-turn provide for the continuation of grazing opportunities on public lands in which many ranching families rely.</p>
63	Eureka County Board of Commissioners	<p>gg. This can be achieved by BLM reaching consistency with Eureka County's plans, policies, and codes as required by NEPA, FLPMA and the respective implementing regulations. Specifically, the Eureka County Code and the Eureka County Master Plan states the following regarding any grazing restrictions on federally administered lands in Eureka County:</p> <ol style="list-style-type: none"> 1. Federal agencies in coordination with grazing permittees must ensure that management decisions are based upon the best 	<p>gg. Comments noted. For this response, please also consider the response provided in 60dd for consistencies between this EA and Eureka County's Master Plan, and 62ff for the BLMs directive to satisfy multiple-use without specifically giving the greatest consideration to the combination of uses that will give the greatest economic return or the greatest unit output.</p>

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		<p>rangeland science, that flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise, and that quality and quantity of data collected can support all decisions made;</p> <ol style="list-style-type: none"> 2. Before imposing grazing restrictions or seeking changes in livestock stocking rates or seasons of permitted use, federal agencies in coordination with grazing permittees must identify and implement all economically and technically feasible livestock distribution, forage production enhancement, weed control programs, prescribed grazing systems, off-site water development by the water rights holder, shrub and pinyon/juniper control, livestock salting/supplementing plans, and establishment of riparian pastures and herding; 3. Wild horse gathers shall be a priority and accomplished before imposing any livestock grazing restrictions; 4. Federal agencies in coordination with grazing permittees must assure that all grazing management actions and strategies fully consider impact on property rights of in-holders and adjacent private land owners and consider the potential impacts of such actions on grazing animal health and productivity; and 5. Eureka County demands, pursuant to adopted federal statutes, regulations, and policies in addition to the Eureka County Code and Eureka County Master Plan, full and complete notice and opportunity for coordinated involvement in the decision making processes of the federal entity that are being taken or are being proposed to be taken, including livestock grazing decisions, on federally administered lands and resources located within Eureka County. 	<p>The Elko District has coordinated this EA with Eureka County and their associated Master Plan to the maximum extent possible within the confines of hierarchy in federal law (e.g., FLPMA, NEPA, PRIA).</p> <p>This EA is a standalone document that is not intended to supplement or change any land use plans.</p>
64	Eureka County Board of Commissioners	<p>hh. It is impossible for Eureka County to properly comment on the EA given the very short timeframe. We cannot get it in front of our necessary decision-makers for consideration by February 17th. It is disingenuous for BLM to drop the EA on a local government entity at the same time it is provided to the general public. We were not even aware of the effort of BLM to move forward with this EA until receipt of the letter. The Eureka County Natural Resources and Federal or State Land Use Element of the Master Plan (which has been provided to you and your office many times) requires that: "When agency</p>	<p>hh. Comments noted.</p> <p>Although comment time periods are published to provide boundaries for the overall planning process, the BLM Elko District has been willing to continually accept substantive comments for this EA.</p> <p>The premise of this EA has not changed since it was released last year. BLM is in receipt and is considering the comments submitted by Eureka County last year, and for this version of the EA. BLM also appreciates the</p>

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		<p>plans and documents are presented to the Board of Eureka County Commissioners, the material will be read or reviewed first by the Eureka County Natural Resource Advisory Commission. This Commission will provide comments and recommendations to the Board of Eureka County Commissioners. Agencies may deliver their material directly to the Eureka County Natural Resource Advisory Commission, through the Eureka County Natural Resource Manager, knowing that the Board of Eureka County Commissioners will not consider their proposal without a prior review by the Eureka County Natural Resource Advisory Commission. Successful implementation of this Plan requires that the Eureka County Natural Resource Advisory Commission and the Board of Eureka County Commissioners stay involved with analysis and evaluation through all stages of federal, state and local planning efforts. County involvement must include, at minimum, review of data for scientific and factual soundness, plan development, implementation, monitoring, and evaluation of plan implementation" (p. 6-6 and 6-7).</p>	<p>opportunities it has had to discuss the EA and its content with the Eureka Natural Resource Advisory Commission members and County commissioners.</p> <p>Also, as stated multiple times in the EA, interested parties will be welcome to accompany BLM specialists and permittees during drought monitoring tours to evaluate drought and rangeland conditions.</p>
65	Eureka County Board of Commissioners	<p>ii. While we understand that BLM is not required to invite Eureka County as a cooperating agency on EAs, BLM is obligated to coordinate with the County and seek consistency with our plans, policies, and controls. How did BLM meet this mandate on the EA? Further, the BLM Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners highlights that "Public involvement on EAs should include the participation of... local government...entities. Where the activities to be analyzed under an EA are complex or large in scale, the AO may decide to involve government partners through a formal CA relationship (43 CFR 46.225) and should carefully consider any request for CA status on such efforts" (p. 11). How were we to be involved when we were not informed and then only provided 11 days for review which makes it impossible to go through our established process? Further, we may have requested CA status given the breadth, complexity, and effects under the EA. Since we didn't know about the EA, we were not able to ask for CA status for you to "carefully</p>	<p>ii. Comments noted. This EA is intended to provide the framework necessary for BLM to temporarily mitigate the negative effects of drought and ungulate use on rangelands. This document is not intended to revise any land use plans. Further, this EA also does not analyze any permanent changes to management on a district level. The BLM Elko believes that it has communicated with and has considered recorded concerns received from the Eureka County Board of Commissioners, both within and outside of the published comment periods. BLM Elko evaluated all of Eureka County's previously submitted comments and implemented several changes to this EA based on those comments. The Elko District has reviewed Eureka Counties Master Plan, and has been as consistent as possible, within the confines of federal law(s) with regards to considering hierarchy for other laws and acts (i.e., FLPMA, PRIA, etc.). And, Elko District BLM managers and specialists have had multiple conversations about the "status" of this EA with members of the Eureka County Commission and Natural Resource Advisory Council, who are also grazing</p>

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		<p>consider."</p> <p>Effective coordination, at a minimum, should include the following as mandated by various laws and regulations:</p> <ul style="list-style-type: none"> • Early notification (prior to public notice) to the state and local government of all actions or plans of the BLM that will affect the local population. • Opportunity for meaningful input by the state and local government with substantial weight and meaning applied by the BLM to the input. • BLM is required to be apprised of the state and local government policies and plans. • BLM must solicit state and local government interpretation of these policies and plans. • BLM is required to adequately consider the state and local government policies or plans when working on federal agency policies, plans, or management actions. • BLM is required through all practicable effort to make federal agency policies, plans, or actions consistent with the state and local government policies and plans. • When inconsistencies arise, BLM should meet with state and local governments in order to work towards consistency. • When consistency cannot be reached, BLM must specifically justify and explain in the document of analysis why consistency could not be reached. 	<p>permittees in the Elko District. See comment 64hh.</p>
66	Eureka County Board of Commissioners	<p>jj. In the past, BLM has argued with us that many of these requirements are either not applicable to EAs or are only applicable when working on an RMP and quote FLMPA and the BLM FLPMA regulations. We wish to remind BLM of the findings of the court in <i>State of Utah v. Babbitt</i>, 137 F. 3d at 1208 (and <i>Uintah County v. Gale Norton</i>, Civil No. 2:00-cv-0482J): "The defendants [BLM] suggest that this statute [FLPMA] requires coordination only when revising land use plans or amending or developing resource management plans. As the Decision does not concern a land use plan, and is not a formal amendment to an existing RMP, the defendants contend that they were under no obligation to consult with the Tribe. However, FLPMA's coordination and consistency review requirements apply when the Secretary is making decisions directly affecting the actual management of the public lands, "whether formally characterized as 'resource</p>	<p>jj. Comments noted. See Response to 65ii.</p> <p>The <i>Babbitt</i>, 137 F. 3d at 1208 ruling stated: "The BLM itself categorized the Decision as an "interim step" in amending the RMP [Resource Management Plan], which certainly makes the Decision germane to the development of the RMP. The BLM was thus obligated to consult with the Tribe, and other governments while making this decision."</p> <p>The <i>Uintah County v. Gale Norton</i>, Civil NO. 2:00-cv-0482J ruling used the similar language that BLM was using the Decision as an interim step towards amending their Resource Management Plan.</p> <p>See Response to 65ii. Further, the Elko District BLM has not made any decisions associated with this EA.</p>

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		<p>management plan' activity or not."</p> <p>We ask BLM to remedy this situation through the following:</p> <ol style="list-style-type: none"> 1. Extend the comment period on the Drought Management EA until March 21 <ol style="list-style-type: none"> a. This will allow our NRAC to review at their next regular meeting (March 12) and allow the Commissioners to take action at their March 20 meeting. 2. After receiving Eureka County's comments, properly coordinate with the County to incorporate changes according to our comments and reach consistency to the maximum extent possible. 	
67	Eureka County Board of Commissioners	<p>kk. We never received a response to the email and our requests. Further, we did learn that you extended the comment period on the Drought EA to March 3 but did not receive notification from BLM directly. While we appreciate the effort to extend the comment period, the limited extension to March 3 still does not remedy the situation highlighted to you in the email and above and we again reiterate our request for (1) an extension to March 21 and (2) proper coordination with Eureka County to incorporate changes and reach consistency.</p>	<p>kk. Comments noted. See comment 64hh and 65ii.</p>
68	Eureka County Board of Commissioners	<p>ll. Eureka County did provide substantive comments on the original Drought EA nearly a year ago in a letter dated March 6, 2013. We never received any response to our comments on the first EA and there was a complete lack of coordination by Elko BLM to reach consistency with the County on our comments and proposals. We find that little, if any, changes occurred to the Drought EA based on our comments. We never received any justification why our comments were disregarded and/or did not affect any change. While the revised Drought EA has revised triggers, all of the comments we previously made still apply to the revised Drought EA and we submit them again to be adequately addressed (enclosed).</p>	<p>ll. Comments noted. Several changes were made in the EA based on Eureka County's previously submitted comments. See comment 60dd through 65ii for more information about BLM consistency requirements.</p>
69	Emily Pompei	<p>a. May I remind you that the BLM, by law, MUST prioritize protection of wild horses OVER livestock grazing, and that NO removals of wild horses should take place until livestock grazing is closed for a minimum of two years in designated wild horse habitat areas. The BLM must prioritize removal of</p>	<p>a. Comments noted. The BLM is not required to close livestock grazing for two years in HMAs. Please refer to Section 2.0, 3.3, and 4.1 of the EA for more information on wild horse and livestock removals.</p>

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		livestock over wild horses in drought conditions, and that removals of wild horses must take place only in verifiable emergencies, and only after all measures to keep wild horses on the range have been implemented.	
70	Janet Lynch	a. I am writing today to comment on the Bureau of Land Management's Elko District's Environmental Assessment (EA) regarding "Management and Mitigations for Drought Impacted Rangelands". Unfortunately, the overly broad document is insufficiently specific to be able to comment on in detail, as such detail is not provided in it. As such, it must be amended to disclose site-specific information and data prior to taking any action, and it should provide the public with future opportunities to comment on site-specific actions tiered to this programmatic document, as required by the National Environmental Policy Act (NEPA). Because the EA fails to provide adequate detail, it is not possible to comment specifically on the need for or appropriateness of any future management actions pursuant to it.	a. Comments noted. With regard to the site-specific details, refer to Responses at 17a and b, and at 45a.
71	Janet Lynch	b. However, I would like to offer these general and very important comments regarding the EA and its drought management actions: In case of drought conditions, it is essential that excess numbers of domestic livestock be removed from wild horse Herd Management Areas (HMAs) pursuant to 43 C.F.R. 4710.3-2 and 43 C.F.R. 4710.5(a), which allow for the reduction or elimination of livestock grazing in order to improve conditions and forage availability for wild horses. As you are aware, domestic livestock such as cattle and sheep vastly outnumber wild horses in the Elko District, despite the fact that domestic livestock are far more resource and water-intensive than wild horses and thus have a greater deleterious <i>per capita</i> impact than do wild horses. In addition, wild horses are specifically protected by an act of Congress, while privately owned livestock graze on public lands at the sole discretion of the Secretary of the Interior.	b. Comments noted. Refer to Response at 25k.
72	Janet Lynch	c. Should it be deemed necessary to proceed with wild horse removals- and again, I emphasize that this step must not be taken until livestock numbers in affected areas are at minimum substantially reduced to more sustainable levels- then in no case should helicopters be used. I therefore support	c. Comment noted.

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		<p>wholeheartedly the BLM's decision, as outlined in the EA, to prioritize water/bait trapping operations over the use of helicopters, which latter method unavoidably results in preventable injuries and deaths and has been shown to be an intrinsically dangerous and inhumane method of capture.</p>	
73	Janet Lynch	<p>d. In conclusion, I would like to reiterate that the protection of wild horses is mandated by an act of Congress, whereas livestock grazing occurs entirely at the discretion of the Secretary of the Interior. Therefore, I strongly urge the BLM to revise the EA to prioritize removal of livestock over removal of horses in drought emergencies in the Elko District, where the agency currently authorizes 43 times more forage to livestock than to wild horses. As I point out above, domestic livestock not only vastly outnumber wild horses in the Elko District, but their per capita negative environmental impact is greater than that of wild horses, so prioritizing removal of domestic livestock from areas affected by drought is the only sensible means of avoiding, addressing and remediating future drought emergencies.</p>	<p>d. Comment noted. See Response at 25k.</p>
74	Janet Lynch	<p>e. I also note once again that the Elko District's Drought Management EA is a general, programmatic document lacking in the site-specific information necessary for the public to adequately comment on any proposed wild horse removals. As such, it cannot be used as a blanket assessment to justify removal of horses/burros due to drought conditions. Further opportunities allowing public comment on site-specific information to justify removals must be provided.</p>	<p>e. Comments noted. Refer to Responses at 17a and b, and at 45a.</p>
75	Marybeth Devlin	<p>a. The document Management and Mitigations for Drought Impacted Rangelands purports to be an environmental assessment (EA). However, the lack of site-specific data shows it to be merely a general planning tool. While being prepared is important, it is still necessary to comply with the law and to observe standard procedures to the fullest extent possible. Otherwise, the subject planning document could be viewed as an attempt to circumvent the requirements, using drought as a pretext.</p>	<p>a. Comments noted. Refer to Responses at 17a and b, and at 45a.</p>
76	Marybeth Devlin	<p>b. The EA does not address the costs that would be incurred in carrying out the alternative actions that could be employed per</p>	<p>b. Comments noted. The Wild Free-Roaming Horse and Burro Act tasks the BLM with managing wild horses "at the</p>

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		<p>the Plan:</p> <p>Population inventories and monitoring flights via contract aircraft services, Hauling water, Bait trapping (said to have priority), Helicopter roundups (still a possibility), Fertility-control treatments, Removal of horses, Transport of those horses, Short-term holding to prepare horses for adoption, and Long-term holding for the horses that are not adopted. The proposed expenditures of government funds have not been estimated and justified.</p> <p>EDO must complete an analysis of all costs, both immediate and long-term, of the actions it proposes when it prepares an EA for any herd management area (HMA) in which it might consider action. The cost-benefit analysis, in each case, would need to crunch the numbers to ensure that public funds are spent prudently. A thorough analysis will bring clarity to the decision process. You may very well determine that a better use of those funds would be for range improvements and rain-catchment projects. The documentation supporting the cost-benefit analysis must be incorporated into every EA.</p>	<p>minimal feasible level," and "in a manner that is designed to achieve and maintain a thriving natural ecological balance" among wild horse and burro populations, wildlife, livestock, and vegetation, and to protect the range from "the deterioration associated with overpopulation" of wild horses and burros on the public lands. The BLMs hard look during the analysis in the EA was to focus on the context of the impacts on natural resources impacted during drought by grazing ungulates on vegetation; wetlands/riparian zones; water quality; threatened, endangered, and sensitive aquatic species; soils; threatened, endangered, and sensitive wildlife; and socioeconomics. The FLPMA further directs the BLM to do so with ... "harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output (emphasis added)."</p> <p>Also refer to Response at 25k. Removal of wild horses or burros due to drought conditions would be implemented as a last resort after consideration of other Drought Response Actions, including removal of livestock.</p>
77	Marybeth Devlin	<p>c. HMAs are supposed to be managed principally as wild horse and/or burro management areas, as the Act intends. Mustangs must be given priority access to water and forage. Livestock and other multiple-use interests must be subordinated to wild-horse-and-burro needs within the HMAs. In Elko's case, the management model is inverted, with livestock receiving preference.</p>	<p>c. Comments noted. Refer to Responses at 25k and 62ff.</p>
	Marybeth Devlin	<p>d. It might be pointed out that water is ultimately the limiting factor in how many animals can be grazed. Eminent biologist, environmentalist, and farmer Allan Savory says just the opposite is the case. His holistic management approach uses increased grazing (per a specific regimen). Savory has proven how Holistic Management improves the effectiveness of the available rainfall and leads to the restoration of previously dried up seeps and streams. Here's the link to the article.</p>	<p>d. Comments noted.</p> <p>Holistic management (as defined by Savory) has been successfully implemented on several allotments within the Elko District. However, most livestock grazing permittees within the Elko District do not have the infrastructure or resources to successfully use a holistic management approach for livestock grazing.</p>

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		<p>http://www.savoryinstitute.com/wp-content/uploads/2012/07/U.S.-Drought-Manmade-Natural-Disaster-July-20121.pdf The Range Is Under-Grazed</p> <p>Like most everyone else, I too assumed that the rangeland needed to be protected from over-grazing by limiting the number of herbivores and letting the land rest. Such an approach seemed like the logical management solution. Apparently, however, that theory was wrong.</p> <p>Allan Savory has made important discoveries about both the cause of, and cure for, desertification. He demonstrates how to prevent or reverse degradation of the rangeland using increased numbers of grazing animals -- up to 400-percent more. I was skeptical at first, but forced to consider the method, given its success and the abysmal failure in our own western states to restore rangeland health using seemingly "logical" methods.</p> <p>The upshot is that in "brittle" landscapes such as those of the American West, the correct -- albeit counter-intuitive -- recommendation is to increase the number of grazing animals to create more "disturbances." Thus, rather than reduce the number of wild horses -- and/or the number of livestock -- the answer seems to be to raise those numbers. Given the decline in the beef-producing sector, the trend of not using, or under-using grazing slots can be expected to continue. The wild-horse herds should be encouraged to flourish to make up for the lack of livestock. Biodiversity is key. You don't want a mono-culture.</p> <p>At the link below is the video of Allan Savory's lecture "Keeping Cattle: Cause or Cure for Climate Crisis?" There's an excerpt first, to sample.</p> <p>http://www.feasta.org/events/general/2009_lecture.htm</p> <p>Recommendations: EDO should send staff members that deal in range management to the next Holistic Management workshop sponsored by the Savory Institute. By learning this range-management approach and then implementing it, EDO could very well succeed in achieving harmony and cooperation among the various grazing animals and their stakeholders ...</p>	

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		<p>Livestock -- permit-holders, Wildlife -- ecologists, hunters, photographers, and Wild horses -- photographers, recreational visitors, advocates... while restoring the range, increasing the effectiveness of the area's rainfall, and promoting spring and stream vitality. Wouldn't those be good things?</p> <p>Below is the link to the Holistic Management International site. Disclaimer: I have no connection with this organization. http://holisticmanagement.org/</p>	
78	Marybeth Devlin	<p>e. EDO needs to establish alternative water sources for the current principal consumers -- livestock -- as well as for the wild horses, burros, and other wildlife. As landlord of the multiple-use range, BLM is responsible and accountable for providing water sources and maintaining them. However, installing miles of pipelines to bring water to the livestock constitutes inappropriate subsidization of the beef sector.</p> <p>Instead, rain and snow catchment devices, commonly referred to as "guzzlers," should be strategically installed throughout the district, especially in the HMAs. Guzzlers capture, conserve, and release water, much like cisterns. Such systems are long-lived and require little maintenance, especially if constructed of cement. Their covers reduce evaporation -- a beneficial feature that provides an advantage over open reservoirs. Guzzlers also reduce the need to haul water into wilderness areas, should there be a severe drought.</p> <p>Guzzlers come in all sizes and configurations. Those with a 10,000-gallon storage tank can support herds of big game animals -- and mustangs. Such large guzzlers can be buried underground, thus preserving wilderness vistas. Construction materials can be hauled into remote areas by helicopter, which will be a "constructive" use of the aircraft services contract. Below are the links to Web sites for more information on guzzler use by all sizes of animals. Guzzlers can even be used by humans. These Web sites also address guzzler design and construction, including a materials list and schematics. http://www.tpwd.state.tx.us/publications/pwdpubs/media/pwd_bk_w7000_0032.pdf http://www.tpwmagazine.com/archive/2003/dec/legend/</p>	<p>e. Comment noted.</p> <p>The Wild Free-Roaming Horse and Burro Act of 1971 states "The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands. He shall consider the recommendations of qualified scientists in the field of biology and ecology, some of whom shall be independent of both Federal and State agencies and may include members of the Advisory Board established in Section 7 of this Act. All management activities shall be at the minimal feasible level and shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands."</p> <p>The Elko District works with both private entities and state agencies when and where possible to install alternative water sources. Once installed however, all guzzlers or rain catchments require indefinite refill/maintenance.</p> <p>The Elko District appreciates the citations you referenced.</p>

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		<p>http://wildlife.utah.gov/wr/0706guzzler/0706guzzler.pdf</p> <p>http://muledeercountry.com/2009/09/mdf-water-guzzler/ More Water Options Keep Livestock Out of Streams and Riparian Areas</p> <p>Research evidences that providing a second, non-stream source of water significantly decreases the time cattle spend in a nearby stream -- 1.6 minutes with a second source versus 25.6 minutes without. This finding would appear to support guzzler installation throughout the HMAs.</p> <p>http://ucanr.org/sites/uccelr/PollutionAndWaterQuality/Factsheets/ReducingStreamImpacts/</p>	
79	Marybeth Devlin	<p>f. Helicopters in a Drought? I am alarmed that EDO would even consider using the helicopter-stampede roundup method during a drought. If the wild horses and burros are dehydrated, it is contraindicated to chase them. Helicopter roundups are abusive any time of year, but especially so in dry conditions. Foals, recently born and still nursing, should not be pushed hard at such a tender stage in their life. I urge you to categorically reject the use of helicopters.</p>	f. Comment noted.
80	Marybeth Devlin	<p>g. I cannot emphasize this enough: The use of helicopters to round up wild horses and burros is inhumane. Virtually all nationally recognized animal welfare organizations have so advised BLM. The mustangs are terrified by the thunderous, high-intensity noise and chaos as they are pursued by the low-flying helicopter. They are blasted with sand, dirt, and gravel from the rotor wash. Panicked, they stampede, injure themselves, and become separated from their babies and band-mates. Mares miscarry. Foals become orphans. Many horses die from stress, even more have to be euthanized. Helicopter-style roundups are abusive, especially to foals, older horses, and pregnant mares. Roundups during the heat of summer or the dead of winter are especially cruel. They are examples of worst management practices.</p> <p>As has been documented on video, helicopter pilots conducting these roundups appear in a hurry to gather as many horses as quickly as possible, presumably to maximize profits -- they are paid a flat fee plus a per-horse amount. Frustrated</p>	g. Comment noted.

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		<p>by the wild horses' lack of cooperation and impatient to get them moving faster, the pilots ram the horses with the aircrafts' landing skids, in some cases even flipping the animals into a somersault. There is video documentation of such abuses, and a court recently found that they had indeed occurred. There has also been documentation of contractors whipping wild horses in the face, kicking them in the head, dragging them by the neck with ropes, using electric prods on them. This abuse must stop.</p> <p>Although the subject Drought Plan indicates bait-trapping activities would have priority, the fact that BLM still has the helicopters waiting in the wings, indicates a less-than whole-hearted commitment to the new approach. Further, BLM appears to be merely adding another method -- bait-trapping -- to the standard one -- helicopter-roundup.</p> <p>Recommendations: Helicopter-style roundups must be abolished. Roundups in extreme temperatures -- either the summer heat or the winter cold -- must end. Stampeding horses or burros for miles -- causing them to lather with sweat and then bringing them to an abrupt halt -- must be prohibited. BLM should institute the kind approach to gathering wild horses -- when a gather is truly necessary. Roundups should be done slowly, quietly, and gently. The mustangs should be gathered one band at a time to preserve family structure. Small roundups should be conducted every year in late autumn instead of massive rodeos every three-to-five years. Small-scale, annual fall roundups will mean fewer horses will come up for adoption, and they will be available just in time for the holidays. The horse adoption market won't be overwhelmed -- as it is now -- and fewer mustangs will need to be placed in sanctuaries, preserves, or long-term holding. Such an approach will prove cost-effective, enabling BLM to redirect its budget to rangeland improvements.</p>	
81	Marybeth Devlin	<p>h. I urge EDO to renounce the use of helicopters, whips, and electric prods in gathering and maneuvering wild horses and burros. It is time to implement cruelty-free, whip-free, prod-free operations. Kind methods -- bait and water trapping -- should be the techniques employed in the future, should roundups be needed. These are true best management</p>	<p>h. Comments noted.</p>

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		practices (BMPs).	
82	Marybeth Devlin	i. If EDO's staffers do not feel qualified to conduct bait-trapping, there are trained units that could be brought in to do it or to show staff how it is done. For instance, the Modoc National Forest (California) reportedly has all necessary equipment on hand to conduct bait-trapping operations in a humane manner. Modoc seems like a good resource in this regard. BLM's Billings Field Office also eschews helicopters in favor of bait trapping. Learning something new is an opportunity for personal as well as professional growth.	i. Comment noted.
83	Marybeth Devlin	j. Recommendations: Adopt cruelty-free, whip-free, prod-free methods. The idea is for bait-trapping to replace helicopter roundups -- not for bait-trapping to be just another method of gathering horses but to be the method. Further, it should not be a continuous, year-round endeavor, and it should not be used in combination with the helicopter method. Bait-trapping should, at most, be a once-a-year event, only when need is properly documented.	j. Comments noted.
84	Marybeth Devlin	k. The subject document is not site-specific and, therefore, provides only potential ideas to consider. Although labeled an EA, it cannot, by itself, be the justification for particular courses of action that EDO might consider taking. EDO would need to issue a specific EA for any action regarding the wild horses and burros of a particular HMA.	k. Comments noted. Refer to Responses at 17a and b, and 45a.
85	Anna Catherman	a. I am commenting on your Environmental Assessment "Management and Mitigations for Drought Impacted Rangelands". This EA addresses many topics, however I would like to focus on how wild horses will be managed during droughts that may occur in the Elko District. You offer several DRAs you may implement, including temporary water hauls, wild horse relocation within the HMAs, and possibly removal from HMA. You state that "A drought gather would be employed as a last resort". I strongly believe that horses should never be removed from their HMAs. The Wild Free-Roaming Horses and Burros act of 1971 originally was meant to keep the "fast disappearing" horses on their legal ranges. It also states "It is the policy of Congress that wild free-roaming	a. Comments noted. Refer to Responses at 25k. The Wild Free-Roaming Horse and Burro Act specifically authorizes the BLM to gather excess wild horses from the range "Where the Secretary determines . . . that an overpopulation exists . . . he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken . . . until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation."

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		<p>horses and burros shall be protected from capture, branding, harassment, or death”. Both wild horse relocation within HMAs and removals are the opposite of protecting horses/burros “from capture, branding, harassment, or death” because all of these can and will occur in gather/relocation operations, esp. gathers on such a large scale as the Elko District’s herds, which number over 1,000.</p>	<p>The Federal Land Policy Management Act amended the Wild Free-Roaming Horse and Burro Act with “In administering this Act, the Secretary may use or contract for the use of helicopters or, for the purpose of transporting captured animals, motor vehicles. Such use shall be undertaken only after a public hearing and under the direct supervision of the Secretary or of a duly authorized official or employee of the Department”.</p> <p>The Public Rangelands Improvement Act of 1978 (Pub. L. 95514, Sec. 4, Oct. 25, 1978, 92 Stat. 1805.) also addresses this issue with the direction to “continue the policy of protecting wild free-roaming horses and burros from capture, branding, harassment, or death, while at the same time facilitating the removal and disposal of excess wild free-roaming horses and burros which pose a threat to themselves and their habitat and to other rangeland values.”</p>
86	Anna Catherman	<p>b. I would also like to ask something concerning the removal of livestock in HMAs in event of drought. I believe that on the first sign of drought, you should reduce the grazing of livestock. Before any thought is given to any removals, ALL livestock should be removed and horses given three or four weeks to adjust before forage analysis is done. Thus, you do not see the very recent impact of livestock and think that there is an overpopulation of horses.</p>	<p>b. Comments noted. See Response at 25k.</p> <p>Not all grazing allotments or HMAs will require management changes due to drought. The degree of drought is difficult to predict and may escalate or decrease as time progresses.</p>
87	Anna Catherman	<p>c. Please note that I am not an expert in anything associated with land management. I do not quite understand all the factors that go into these decisions; however, I know that gathers are the exact opposite of protecting horses “from capture, branding, harassment, or death”. Please remove the drought gather from a possible “last resort” for drought management. If you do wish to perform a “drought gather”, please go through the normal EA process once again. If the horses are literally starving, in my opinion it would be more cruel to stampede them by force only to euthanize them than let them die a natural death in the wild.</p>	<p>c. Comments noted. See Responses at 62ff and 85a.</p>
88	Margaret Southwell	<p>a. If there is a drought condition, instead of tremendous costs associated with removing the horses and stockpiling in gov't facilities (\$50,000+) on taxpayer dime, why not haul in water</p>	<p>a. Comments noted. See Response at 34l. In general, energy studies conducted for the Elko District have determined that solar projects are not well suited to the area. Solar wells</p>

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		during the drought, or build solar-operated wells where feasible? Much more cost-effective. It has happened, but not often enough when necessary.	have proven to be ineffective within the Elko District, largely due to theft. Alternative water developments for livestock, wild horses, and wildlife are implemented on a yearly basis where possible and feasible within the Elko District.
<p>The Elko District BLM received several thousand similar comments and a signed petition with over 7,000 names from individuals associated with the American Wild Horse Preservation Campaign. Instead of addressing comments on an individual basis, the Elko District has chosen to combine similar comments into generalized comments.</p>			
89	American Wild Horse Preservation Campaign, Individuals	<p>a. Before any wild horse removals are implemented, the ED must accommodate current wild horse/burro numbers by using the agency's adaptive management mandate and its discretion through 43 C.F.R. 4710.3-2 and 43 C.F.R. 4710.5(a), which allows for the reduction or elimination of livestock grazing in order to improve conditions and forage availability for wild horses. No decision should be made to remove horses until ALL livestock are removed from the area in question, and a decision is issued to prohibit livestock grazing in that area for a minimum of two years. Presently, the EA envisions reductions or closure to livestock grazing on a seasonal basis only, to be re-evaluated every year.</p>	<p>a. Comments noted. Refer to Response at 25k.</p>
90	American Wild Horse Preservation Campaign, Individuals	<p>b. Awareness of drought conditions occurs well before emergencies develop. Therefore, if, as the EA states, "Several areas across the Elko District have already been impacted by drought in combination with livestock and/or wild horse overuse" (page 2), livestock must be removed from Herd Management Areas (HMAs) now. Since BLM is aware of drought conditions that presently exist, it is not acceptable or legal for BLM to wait until a range emergency develops and then take emergency action to remove wild horses and livestock. As we stated in our scoping comments: "The BLM Wild Horse and Burro Management Handbook (June 2010) states: Emergencies generally are unexpected events that threaten the health and welfare of a WH&B population and/or their habitat. Examples of emergencies include fire, insect infestation, disease, or other events of a catastrophic and unanticipated nature.</p> <p>Unlike fires, droughts do not emerge overnight. Drought conditions develop over time, and since the BLM has had</p>	<p>b. Comments noted. See Response at 46b.</p> <p>Some rangelands within the Elko District have been negatively impacted by recent drought in different ways. Most of the areas that were severely impacted were outside of HMA's. BLM specialists have been working with livestock permittees to mitigate for drought in these areas in the past and continue to work together in the 2014 and 2015 grazing seasons. This includes voluntary nonuse by permittees, changes to season of use within the terms and conditions of grazing permits, water hauling to allow grazing in areas that were not impacted by the 2012 drought, and other management actions.</p> <p>However, HMA's were also negatively impacted in areas by wild horses only; these areas did not receive any use by livestock during the 2012 or the 2013 grazing seasons.</p> <p>Further, the BLM conducted wild horse gathers and treat-and-release gathers in the winter of 2012/2013 to reduce</p>

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		<p>ample warning, the situation cannot be considered an emergency under this definition. Therefore the BLM must take proactive actions to prevent the implementation of any wild horse and burro removals and to prevent any situations from “escalating.”</p> <p>The agency clearly has had knowledge of a developing situation with regard to water and forage availability, yet it is unclear what preventative management actions the Elko District is taking to mitigate any possible or alleged need to remove wild horses and/or burros. The EA must disclose specific preventative management actions which have been taken over the past year to address the drought conditions and mitigate any possible need for the removal of any wild horses/burros."</p> <p>The EA confirms on page 3 that “Drought mitigation of livestock and wild horse overuse on rangelands has never been addressed by the ED.” IF the intent is to deal with these situations proactively, then it is clear that actions must be taken immediately in wild horse habitat areas to reduce livestock grazing.</p>	<p>wild horse numbers to AML. Keeping wild horse numbers at AML will help mitigate the negative environmental impacts due to excessive amounts of wild horses.</p> <p>The BLM is unable to accurately predict the severity of drought or how rangelands and/or water resources will respond to drought conditions without acknowledging some measure of speculative analysis. The amount of time these areas will be affected by drought is also unpredictable. Therefore, drought related events may require management “emergency actions” by the BLM.</p>
91	American Wild Horse Preservation Campaign, Individuals	<p>c. We must again remind the BLM that protection of wild horses is mandatory, while livestock grazing occurs entirely at the discretion of the Secretary of the Interior. Congress enacted the Wild Free Roaming Horses and Burros Act to ensure that “wild free-roaming horses and burros shall be protected from capture, branding, harassment, [and] death,” and “be considered . . . as an integral part of the natural system of the public lands,” 16 U.S.C. § 1331, meaning that there is a Congressional mandate to protect the wild horses. In sharp contrast, the government has only discretionary authority to permit livestock grazing on public lands, pursuant to the Taylor Grazing Act, which expressly provides that the discretionary grant of a grazing permit does not create an “entitlement” to any permit. See 43 U.S.C. § 315b (explaining that “the issuance of a [grazing] permit . . . shall not create any right, title, interest, or estate in or to the lands”) (emphasis added). Therefore, as stated above, no decision should be made to remove horses until ALL livestock are removed from the area in question, and a decision is issued to prohibit</p>	<p>c. Comments noted. Refer to Responses at 25k.</p>

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		<p>livestock grazing in that area for a minimum of two years. Presently, the EA envisions reductions or closure to livestock grazing on a seasonal basis only, to be re-evaluated every year.</p>	
92	American Wild Horse Preservation Campaign, Individuals	<p>d. The EA lists a number of Drought Related Actions (DRAs) that the BLM intends to implement with regard to wild horses. These include temporary water hauls, within HMA relocation of wild horses, and removal of horses. Given the fact that the BLM now warehouses close to 50,000 wild horses in government holding facilities, every attempt must be made to maintain wild horses on the range. BLM Wild Horse and Burro Division Chief stated explicitly at the recent Wild Horse and Burro Advisory Board meeting that slaughter “is not our policy and it never will be.” Given this policy, the continued decline in adoption demand, and the untenable number of wild horses presently stockpiled in holding facilities, BLM must prioritize management options that maintain wild horses on the range.</p> <p>The final EA must state this definitively as a goal, and specify that all management actions to avert the need for removals – including reduction/elimination of livestock grazing; range improvements, including repair of damaged water sources; temporary water hauls; and relocation of horses within the HMA will be given priority over removals.</p>	<p>d. Comments noted. Refer to Sections 2.0, 3.3, and 4.1 of the EA for more information about wild horses and Drought Response Actions in relation to livestock. Wild horse gathers would be a last resort for any Drought Response Action.</p>
93	American Wild Horse Preservation Campaign, Individuals	<p>e. The EA is a programmatic document that must either be amended to disclose site-specific information/data prior to taking action, or the ED must provide the public with future opportunities to comment on site-specific actions tiered to this programmatic document, as required by the National Environmental Policy Act (NEPA).</p> <p>As we wrote in our scoping comments: “The EA must fully disclose, describe and analyze specific range data, water availability, range usage, and the agency’s intended actions in specific areas and allow the public ample opportunity to review the data and comment on the proposed action, as required by NEPA. The BLM must also disclose the following for any proposed actions: •All data on site-specific livestock usage within site-specific</p>	<p>e. Comments noted. Refer to comments 25k and 45a.</p> <p>Though efforts have been made to limit fences in HMAs, they do exist and often are in place due to the presence of private land, the need for livestock management, or for fire and or resource rehabilitation. There are no fences known to restrict wild horse or burro access to HMAs. Should information regarding fences be pertinent to the determination of Drought Response Actions, that information would be included in the any site specific decision.</p> <p>Information pertaining to available water sources would be presented in the documents identified above.</p> <p>The Elko District currently does not have any wild horse or</p>

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		<p>HMA, including months of use; specific number of cattle in specific areas; if and when cattle were moved or removed due to drought.</p> <ul style="list-style-type: none"> •A detailed description of any and all fencing that may prohibit the wild horses having full, year-round access to site-specific HMA. •A detailed listing, for each site-specific proposed action, of all water sources for livestock, wild horses and other wildlife species throughout specific HMA. •Full disclosure of any other site-specific pertinent information/data that is considered by the agency in determining the “emergency” or “escalating” situation that would necessitate the removal of horses...” 	<p>burro gathers scheduled. Any gathers that are completed during the Summer of 2014 (and beyond), would be in accordance with the EA and would only be a last resort after consideration of other Drought Response Actions in order to prevent substantial range degradation and emergency conditions for wild horses and/or burros in specific areas affected by severe drought.</p>
94	American Wild Horse Preservation Campaign, Individuals	<p>f. AWHPC appreciates the BLM’s decision, as outlined in the EA, to prioritize water/bait trapping operations over helicopter roundups, which subject animals who may already be compromised by drought conditions to extreme exertion and trauma. Any bait/water trapping contracts should not be assigned to any BLM grazing permittee or those associated or related to a BLM grazing permittee. Public lands livestock permittees have a long-established conflict of interest with wild horses in Nevada and have a financial interest in their removal, since they view wild horses as competition for cheap (tax-subsidized) grazing on public lands. In addition, there is great public controversy over the assignment of a trapping contract to a public lands livestock permittee or his associates. The EA is silent on this matter, but due to the controversy surrounding this matter, any parameters for establishing bait trapping contracts should be disclosed in the final EA.</p>	<p>f. Comments noted. If water or bait trapping is deemed necessary by the BLM, no livestock permittee or their associates will be contracted to do the trapping. See Section 3.3 P, page 86 of the EA for more information about water trapping.</p>
95	American Wild Horse Preservation Campaign, Individuals	<p>g. If wild horses are removed and returned to the range at a future date, population growth suppression strategies that involve permanent sterilization (i.e., surgical or chemical castration of stallions or spaying of mares) and sex ratio skewing should be prohibited, due to the adverse impact these actions have on the individual animals, natural horse behavior and herd dynamics.</p> <p>We include for your information, the expert statements attesting to the impacts of gelding on wild-free roaming horses. Since surgical ovariectomies perform a similar</p>	<p>g. Comments noted. As stated in the EA (citing Dr. Kirkpatrick) this EA does not propose to permanently alter the reproductive capability of any wild horses. If Drought Response Actions are implanted to gather horses (or a CTR gather), BLM employees and all contractors will use humane treatment in every aspect of gather operations. Refer to section 3.3 P of the EA for more information about humane treatment during gathers.</p>

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		<p>function as gelding – removal of the horse’s reproductive organs, impacting the hormones that affect both physiology and behavior – the effects would be the same. Please see attachment 1. To summarize these experts’ opinions, Dr. Kirkpatrick, the Director of Science and Conservation Biology at Zoo Montana and a foremost authority on wildlife reproductive biology, states: “The very essence of the wild horse, that is, what makes it a wild horse, is the social organization and social behaviors. Geldings (castrated male horses) no longer exhibit the natural behaviors of non-castrated stallions. We know this to be true from hundreds of years’ experience with gelded domestic horses. Furthermore, gelded stallions will not keep their bands together, which is an integral part of a viable herd. These social dynamics were molded by millions of years of evolution, and will be destroyed if the BLM returns castrated horses to the HMAs...Castrating horses will effectively remove the biological and physiological controls that prompt these stallions to behave like wild horses. This will negatively impact the place of the horse in the social order of the band and the herd.” If a Catch-Treat-Release (CTR) roundup is implemented with a helicopter capture operation, AWHPC recommends that the provisions outlined in the attached draft CTR Standard Operating Procedure (See attachment 2) be incorporated to ensure humane treatment.</p>	
96	American Wild Horse Preservation Campaign, Individuals	<p>h. The EA suggests that sex ratio skewing will be used as a population growth suppression strategy. (“Sex ratio adjustment could be applied alone or in combination with fertility control. Sex ratio adjustment would involve the release of studs and mares in a 60:40 ratio.” Page 13).</p> <p>However, the BLM has no scientific evidence to support this approach. In our scoping comments, AWHPC wrote, “If such a proposal is to be included as an alternative in the forthcoming EA, the BLM must include any and all scientific justification for such action, review of research, data and short- and long-term impacts to individual wild horses and herds as a whole.”</p> <p>The EA fails to provide this data. Indeed, to date, the BLM has failed to provide any studies, papers or concrete data relating</p>	<p>h. Comments noted. The 60:40 sex ratio adjustments would be used to slow reproduction of wild horses in areas where resources are limited.</p> <p>The Elko District conducted a literature review and found there is no scientific evidence that adjusting sex ratios would impact any wild horse herds permanently.</p> <p>The AWHPC has not provided any scientific justification for why 60:40 ratios should not be used to slow reproduction in horse herds where resources are limited.</p>

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		to the impact to individual horses, bands and/or herds on the impacts of sex ratio skewing. Without the production of significant scientific studies that outline the implications and impacts of sex ratio skewing, it must be eliminated as an alternative management method.	
97	American Wild Horse Preservation Campaign, Individuals	i. This EA fails to adequately analyze the socio-economic impacts of the various proposed actions. While the EA outlines the possible costs to local communities of reducing or eliminating livestock grazing, it fails to evaluate the ongoing cost to American taxpayers of livestock grazing on public lands, as well as the cost of removing and warehousing wild horses and burros from this area. Therefore, an economic analysis of any proposed wild horse/burro removal plan must disclose all costs associated with the capture operation itself, as well as the costs for short- and long-term holding and adoption preparation for the horses removed from the range.	i. Comments noted. Refer to Response at 62ff and 76b. The BLM has been tasked to manage public lands through a myriad of climatic and economic conditions while working within a network of multiple federal laws and regulations. During drought conditions, the concept of multiple-use on natural resources becomes dually stressed. Multiple Use is defined as "...management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people..." Elko has brought viable options for managing drought situations forward in the EA, along with responsible ways to ensure the welfare of the wild horses, burros and protection of the habitat through the issuance of site specific decisions. The Wild Free-Roaming Horse and Burro Act states "Proper range management dictates removal of horses before the herd size causes damage to the range land." (118 IBLA 75). Removal of wild horses or burros due to drought conditions would be implemented as a last resort after consideration of other Drought Response Actions including removal of livestock.
98	American Wild Horse Preservation Campaign, Individuals	j. In conclusion, before proceeding with any removal of horses, the BLM Elko District must issue site-specific EAs for specific Proposed Actions in order that the public may comment on the "agency's analysis of the environmental effects of the proposed action and possible mitigation of potential harmful effects of such actions." (Source "A Citizen's Guide to the NEPA" Council on Environmental Quality Executive Office of the President). The Guide further states that, "NEPA requires Federal agencies to consider environmental effects that include, among others, impacts on social, cultural, and economic resources, as well as natural resources. Citizens often have valuable information about places and resources that they value and the potential	j. Comments noted. Refer to Response at 17a and b and 45a.

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		<p>environmental, social, and economic effects that proposed federal actions may have on those places and resources.”</p> <p>Since this EA lacks specific data on range conditions; impacts of livestock grazing on the range; a clear delineation on maps and in the analysis of the impacts on wild horses and/or burros caused by all commercial uses allowed within the HMAs; and disclosure of water usage, water controlled by permittees, etc., it cannot be used to justify specific actions to remove horses from the HMAs in the ED. Therefore, further information, analysis, and opportunity for public comment must be forthcoming before any wild horse removals take place.</p> <p>k. In addition, for the reasons stated above, all efforts must be made to avoid wild horse removals, including the elimination/reduction of livestock grazing within HMAs.</p> <p>l. Finally, the EA is inadequate because it fails to contain the information and alternatives analysis listed above.</p>	<p>k. Comment noted. Refer to responses at 25k, 45a, 61ee, 62ff, and 78e.</p> <p>l. Comment noted. Refer to Response(s) provided in (k) above.</p>
99	Harvey Barnes	<p>a. We met with our range conservationist and much appreciated their open and scientific attitudes in regard to drought management that could be facing us again.</p> <p>There are some other related issues that concern us. Feral horses do not directly affect our personal allotments, but in other areas in the Elko District, they have tremendous resource impacts. Numbers exceed AML's by four or five times. No management seems to exist for feral horses. The notice is concerned about habitat, yet nothing is done about yearlong horse impacts. BLM personnel should be requesting, at a vigorous level, funds to eliminate the feral horse problem instead of focusing on domestic livestock grazing.</p> <p>Another "solution" to drought impact, is if an allotment is closed, it may be also closed, the following year. Your notice lists under "impacts," fire. We think grazing management would be a better tool, rather than leave a fuel load that could enhance fire threat. Our past management, actual use utilization levels and voluntary livestock manipulations have caused no resource damage due to over utilization. It is our hope that the BLM continues its attitude of co-operation and reasonable approaches to a possible another year of below normal precipitations.</p>	<p>a. Comments noted.</p>

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100	Mori Ranches	<p>a. (II B. pg. 5) While the use of "triggers" for actions to remove livestock from public lands would provide the BLM an effective means to do so, it is still a reactive approach to management of these lands. It is our stance that pro-active management such as water development, habitat manipulation, riparian function improvement, fuels management, invasive species control, and grazing flexibility would provide the rangeland health needed to withstand the effects of drought.</p> <p>This would reduce the amount of conflict and impacts on those dependent on the use of these resources. It is unclear as to what "triggers" would be used to assess recovery after the drought is over.</p>	<p>a. Comment noted. If triggers are used to initiate Drought Response Actions, the BLM would use the Drought Monitoring Summary form to evaluate Drought Response Actions on a yearly basis. All interested parties would be invited to participate while the BLM reassesses Drought Response Actions.</p>
101	Mori Ranches	<p>b. (2.1 pg. 16) In the referenced "Attachment 1" where distribution of livestock is addressed, it is critical that the permittee be consulted, since they have more knowledge of plant species diversity and both water and forage availability over the entire allotment rather than just a monitoring site. With the amount of acreage involved it would be impossible for BLM staff to adequately assess the situation and still remain "budget neutral".</p>	<p>b. Comment noted. Refer to Responses at 35m, n, o, p, and q (NV Cattleman's Assoc.).</p>
102	Mori Ranches	<p>c. (III, M pg. 62) We agree with statements made as to the socio-economic impacts to smaller family operations. Agriculture is the most steady economic force to rural counties and small communities. Family operations statistically may not provide the most impressive economic values, however their importance to the long-term sustainability of the environment and local economy is immeasurable. These operations have the knowledge and experience on their grazing allotments and have a vested interest in rangeland health for future generations. Socioeconomic Impacts by this proposed action could break up the family unit that cannot be replaced when the drought is over. Ranch viability is dependent on many factors. Public land forage availability, in our opinion, ranks at the top of the list in allowing for sustainability for our operation.</p>	<p>c. Comment noted.</p>
103	Mori Ranches	<p>d. (III, H. pg. 49) We support the concept of targeted grazing of weeds and monotypic annual communities. Livestock can be</p>	<p>d. Comment noted. The Elko District agrees fully.</p>

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		used as a tool to achieve a desired outcome. It is important that BLM can trust the permittee to follow through with the grazing management that is agreed upon. Only those permittees with a track record of being able to accomplish this should be considered.	
	Mori Ranches	<p>e. Mori Ranches LLC supports allotment specific grazing modifications based on information collected by the BLM Rangeland Specialist assigned to that allotment in conjunction with the permittee. We also support non-BLM parties as field visit participants if the BLM rangeland specialist and permittee feel the need to do so.</p> <p>We support adaptive grazing management to address drought instead of complete allotment grazing closure. Most of the time collaborations between parties results in a sound decision rather than a reduction to AUMs.</p>	e. Comments noted. Allotment closures would be a last resort decision if all other Drought Response Action options were exhausted.
104	N-1 Grazing Board	<p>a. 2.1 Drought Response Actions A. Livestock "Temporary targeted grazing of invasive annual dominated communities." This section introduces 2-inch stubble height, "hard triggers" for the removal of livestock. "Hard triggers" are arbitrary and will not lead to desired outcomes. They are not considered a good indicator of rangeland health by many range specialists.</p> <p>b. "Temporary water hauls" clearance for temporary or emergency water hauls have to be accomplished in a timely manner.</p>	<p>a. Comments noted. Refer to comment 6a, 24j, and 55u for more information about stubble inch heights.</p> <p>b. Comment noted. If deemed necessary by the BLM Elko District, clearance for temporary water hauls would be authorized in a timely manner.</p>
105	N-1 Grazing Board	c. 1.4. Relationship to Statutes. Regulations. Policy or other Environmental Analysis: The Bureau of Land Management should add conformance with all State of Nevada laws and regulations.	c. Comment noted. The Elko District will cooperate with the State of Nevada and will comply with applicable state law to the extent consistent with federal law identified for public land management purposes.
106	N-1 Grazing Board	d. It is our understanding that affected permittees will be personally notified and consulted. All options will be explored before any changes in livestock use is implemented including change of season of use, AUM reduction, or total closure due to drought conditions and or overpopulation of wild horses.	d. Permittees will be notified and invited to monitor all drought impacted areas before any Drought Response Actions are implemented by the BLM. Also see Responses at 35m, n, o, p, and q (NV Cattleman's Assoc.).
107	N-1 Grazing Board	e. II. Description of the Proposed Action and Alternatives: 2.0 Proposed Action "If it is determined that wild horse removal	e. Comments noted. Refer to response at 25k.

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		<p>from a Management Area is warranted pursuant to 43 CFR 4710.5, areas of allotment(s) that overlap with the HMAs would be temporarily closed to livestock grazing."</p> <p>The N-1 Grazing Board believes that horses should be removed, the allotment evaluated and the effects of horse overpopulation acknowledged before a reduction in livestock use is implemented.</p> <p>Permitted livestock use that holds a legal grazing license and livestock watering right, including interspersed private land, should hold preference. Livestock use cannot become the scapegoat for lack of horse management and the BLM' s inability to hold herd populations to AML levels.</p>	
108	N-1 Grazing Board	<p>f. 2.2 Grazing Closure Alternatives. Why would DRAs be implemented for horses and not livestock? Again, if the BLM is not taking appropriate management actions to achieve and maintain AMLs, livestock grazing cannot and should not be sacrificed.</p>	<p>f. Comment noted. As outlined throughout this EA, Drought Response Actions could be implemented for wild horses, livestock, or both. Decisions will be site specific, and may not call for Drought Response Actions for livestock.</p>
109	N-1 Grazing Board	<p>g. 2.4 Alternatives Considered but Eliminated from Detailed Analysis. "Temporary Above-Ground Pipeline" Temporary pipelines should remain a viable alternative in a Drought EA. This should be determined allotment-by-allotment, permittee by permittee. Again, thank you for allowing livestock permittees to comment on this drought management plan. We hope that you will consider our suggestions carefully, as this will affect the economy of the State of Nevada and the livelihood of Nevada's ranching culture.</p>	<p>g. Comments noted. As stated in the EA, the Elko District has allowed permittees in the past to install temporary pipelines above ground. Although the intent was for the pipelines to be removed, they were not. Remnants of these pipelines found today on public lands continue to be safety concern to public and ungulates.</p>
110	Petan Company of Nevada	<p>a. The Revised Drought EA's <i>Purpose</i> and the third goal identified under the <i>Need for Action</i> are to "alleviate the impacts of authorized uses and activities" that result in unfavorable impacts during drought (Revised Drought EA, pages 1 and 3). The second goal identified under the Revised Drought EA's <i>Need for Action</i> is to "prevent further degradation of affected resources" (Revised Drought EA, page 3). These goals are reactive in nature and intend to respond to and mitigate negative impacts from drought after they have occurred, or at best after they have begun occurring. The <i>Triggers</i> and <i>Drought Response Actions</i> within the Revised Drought EA which respond to these goals are also reactive</p>	<p>a. Comments noted.</p>

Number	Commenter	Comment	BLM Response
		<p>and tend to be punitive in nature. After "impacts" or "degradation" are observed, these <i>Triggers</i> and <i>Drought Response Actions</i> are intended to "alleviate" or "prevent" further deterioration of rangeland resources by temporarily closing areas from grazing; reducing livestock numbers; changing the season of use or grazing duration; changing management practices; fencing off critical areas; grazing invasive annual communities; changing the kind or class of livestock; and, hauling or piping water.</p>	
111	Petan Company of Nevada	<p>b. A better approach would be to provide incentives that reward the implementation of appropriate <i>Drought Response Actions</i> before negative impacts and resource degradation occurs due to drought. Petan always tries to adjust to drought conditions before its grazing resources are degraded. The BLM's drought management planning should strive to recognize efforts of its grazing permit holders to take proactive action and avoid negative drought impacts before they occur by rewarding such efforts whenever they are effective. For example, consider a situation where a grazing permittee voluntarily decreases its active use by 200 AUMs by reducing its herd size and shortening its season of use during a drought period wherein the U.S. Drought Monitor and Vegetation Drought Response Index rate the drought as "Severe" or drier for the allotment area. If these voluntary <i>Drought Response Actions</i> are effective in preventing the <i>Forage</i> utilization and stubble height triggers from being tripped during the drought, the <i>Drought Monitoring and Mitigation Plan</i> should establish a reward mechanism whereby the permittee receives a commensurate amount of credit (200 AUMs) toward its subsequent grazing bill(s) when the Vegetation Drought Response Index rates the vegetal response as "Near Normal" or wetter for the allotment area.</p> <p>An alternative reward for the successful proactive management described in the paragraph above would be to establish a mechanism under the <i>Drought Monitoring and Mitigation Plan</i> to reward the permittee for its successful proactive management by requiring the BLM to approve a commensurate amount of TNR (200 AUMs) if the permittee applies for such use during periods when the Vegetation</p>	<p>b. Comments noted. Rewarding permittees for being proactive with Temporary Non-Renewable (TNR) Animal Unit Months (AUMs) is outside of the purview of this EA. However, the Elko District and responsible public everywhere appreciate those permittees who practice proactive grazing management.</p> <p>Drought Response Actions found in this EA could authorize permittees AUMs for prescriptive grazing in certain circumstances during drought when site-specific conditions are met. Being proactive is an intricate part of livestock management and should be, with regards to proper grazing on public lands.</p>

Number	Commenter	Comment	BLM Response
		<p>Drought Response Index rates the vegetal response as "Very Moist" or wetter for the allotment area (subject to applicable utilization and stubble height limits). The point is that a system to reward proactive management actions would be more effective in preventing negative drought impacts before they occur than the reactive process analyzed by the Revised Drought EA.</p>	
112	Petan Company of Nevada	<p>c. The Revised Drought EA specifies the monitoring methods that will be used to assess drought indicators and triggers. The Revised Drought EA also needs to clarify how the locations for such monitoring will be selected, and how the area(s) to which <i>Drought Response Actions</i> will be applied based upon such monitoring will be defined. For example, the lower utilization levels and stubble height triggers established by the Revised Drought EA will almost always be tripped in the immediate vicinity of livestock watering and loafing areas, even if stocking rates are appropriately adjusted in response to the drought conditions. It would be irrational and unreasonable to force other <i>Drought Response Actions</i>, such as temporary closure of a pasture or allotment, based upon monitoring of such drought triggers solely in such livestock concentration areas instead of areas that are representative of grazing use across the broader landscape which provides available forage under the drought conditions.</p> <p>d. Likewise, if drought monitoring indicates that a trigger has been tripped in a critical area, such as a riparian area, the <i>Drought Response Actions</i> selected to address the situation must only be applied with respect to that critical area. For example, if the stubble height trigger is tripped during a drought within a riparian area that is considered a critical area, a decision to implement a temporary closure in response to such drought monitoring must be applied only to said critical area. This might require selection of an additional <i>Drought Response Action</i>, namely temporary electric fencing, so that grazing can continue to occur within other areas where drought monitoring triggers have not been tripped. In contrast, drought monitoring that indicates that a trigger has been tripped within a key area would suffice to implement appropriate <i>Drought Response Actions</i> across the larger area</p>	<p>c. Comments noted. BLM specialists will identify areas that are in need of additional drought related monitoring. Certain factors including watering and high use areas will be taken into account when choosing what areas to monitor related to drought. Refer to the Drought Monitoring and Mitigation Plan (Attachment 1 of the EA) for more information about drought monitoring.</p> <p>d. Comments noted.</p>

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		for which the key area is representative. Thus, when triggers are monitored at key areas within a pasture or allotment, appropriate actions supported by such drought monitoring are applicable to the pasture or allotment as a whole.	
113	Petan Company of Nevada	e. Use of the US Drought Monitor and Vegetation Drought response index cannot accurately predict precipitation on a local level- whether it's the beginning or end of a drought. Sites specific monitoring is necessary to determine the extent and seriousness of drought. The EA proposes site visits within drought-afflicted areas to, evaluate the current condition and production of key forage species as described in the associated Ecological Site Descriptions (ESDs) for the area. "In instances where key species referenced in the ESD are absent, key species would be identified using site-specific and/or past monitoring data." Unfortunately, ESDs do not exist (except as drafts last updated in 2003) so the use of ESDs is not appropriate.	e. Comments noted. As page 5 of the EA explains, the key species identified at the site-specific location and or from past monitoring data for the location would be used to evaluate conditions at the location.
114	Winecup Gamble	a. This EA will add a significant burden on BLM staff to complete site visits and does not address additional staffing or assistance. Staff are already unable to complete on-site monitoring visits due to workloads and priorities.	a. Comments noted. Refer to Responses at 21d and e; 35 m, n, o, p, q; and at 59cc.
115	Winecup Gamble	b. Throughout the document wild horses are variously ignored, combined with wildlife, or mentioned in passing as another resource user. As hooved animals that remain in our allotments year-round that eat 40 to 60% more forage than cattle and that prefer riparian areas the impacts of wild horses cannot be minimized or ignored. For example, on page 9, a temporary partial reduction in AUMs is proposed for livestock, but not wild horses. Instead, livestock alone would be reduced to ensure forage remains for wildlife and wild horses.	b. Comments noted. The impacts of wildlife and wild horses are analyzed in Sections 3.0 and 4.0 of this EA. Individual drought affected areas of the Elko District will call for different management scenarios. Also refer to Responses at 25k.
116	Winecup Gamble	c. It is unclear on the proposed action for a temporary change in season of use if a change of season could include use outside of the existing permit. For example, if the current permit is for May to November, would it be possible to use the allotment in April? The proposal to defer "hot season grazing" until after September 30 is inappropriate. According to weather.com, the average monthly temperatures in July and August are 80 and	c. Comments noted. As stated in the EA, temporary changes in season of use could occur outside of permitted use dates. Weather.com average temperatures do not accurately measure the current conditions throughout the entire landscape on the District. Hot temperatures in September (especially in the first part of the month) are not uncommon in northern Nevada.

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		79, respectively. The average temperature in September is 10 degrees cooler (and similar to the average temperature in June). The month of September can in no way be considered as hot season use.	
117	Winecup Gamble	d. The proposal to add temporary fencing of critical areas is valid, but there is no indication of where the funding will come from for the fence. We have had to build fence to enforce fire closures on our allotments, and we have had to take fences down after closures have ended because BLM does not have the staff to complete these actions in a timely manner. We did all of this free of charge.	d. Comments noted. Funding for temporary fences will be evaluated on an allotment by allotment basis.
118	Winecup Gamble	e. Addition of information specific to sage-grouse, and particularly stubble height requirements is inappropriate. The listing status of sage-grouse has not changed since the last drought EA was released a year ago, and yet a large number of new requirements have been added to this EA, presumably from the Nevada Sage-grouse EIS that is also not final. It is premature to add species-specific requirements to this document.	e. Comments noted. Refer to Responses at 6a, 24j, and 55u. The premise and information contained in this EA is nearly identical to the original version. The BLM is aware that the status of the sage-grouse has not changed as of the publication for this EA. This EA is a stand-alone document and has not been influenced by any Sage-grouse EIS.
119	Winecup Gamble	f. Livestock are only allowed on public lands within permitted numbers. The calculations used to determine appropriate levels of livestock grazing are also used to determine appropriate levels of wildlife and wild horse use. The EA provides estimated AML populations as of 2012. Twenty-five percent (two of eight) of the HMAs are within AML, although the Owyhee HMA is probably over AML given reproduction averages. Despite the clear direction of the Wild Horse and Burro Act to remove excess wild horses, the direction from the BLM State Office has essentially been to tell permittees that horses will not be gathered for the foreseeable future due to budget restrictions and full facilities.	f. Comments noted.
120	Winecup Gamble	g. Despite all of this information, this EA continues to place wild horse removal at the bottom of the list of options to protect drought-impacted rangelands. Further, if a gather is finally approved, BLMs priority should be to remove animals to the lowest possible AML. Knowing that herds double every four years should provide a reasonable argument to reduce herds to the lowest AML as a minimum target for every gather.	g. Comments noted.

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		Further, reductions to AML should take place early in any potential drought situation. Waiting to gather until the drought is well underway creates unnecessary stress on plant communities. The preferential treatment provided to wild horses throughout the EA is inappropriate.	
121	Winecup Gamble	h. On page 31, a definition of "complete rest" is provided as "the most effective and fastest way to achieve range recovery following severe drought." We diligently follow this method of grazing on over 75% of our permit by utilizing forage that was grown from the prior year or forage that is allowed to completely mature before we turn cows in on it. We do this by moving cattle often to allow full recovery of our pastures behind and ahead our cattle. All of this effort taken by a permittee is thrown out the window when wild horses graze pastures year around in excess numbers of their management objectives.	h. Comments noted. Unfortunately, not all permittees have the resources to incorporate rest into their grazing systems. BLM is not aware of any wild horses in any of the allotments the Winecup Gamble grazes. The BLM is fully aware of the impacts of wild horses on rangelands during drought.
122	Winecup Gamble	i. The EA offers contradictory proposals for management. In fuels management, targeted livestock grazing is proposed to create fuels breaks and manage fire intensity. However, if livestock use is to be reduced or eliminated, and conservative utilization levels are to be implemented, it is unlikely sufficient grazing can occur to reduce fuel levels in a significant way.	i. Comments noted.
123	Winecup Gamble	j. Ultimately, this EA is yet another series of requirements being placed on BLM staff with no additional staff or funding to implement the requirements. Drought management is critically important to keeping rangelands healthy. It is our direct experience that the more regulations that the BLM imposes the less of a quality of job that is actually taking place. We are currently paying private consultants to do the job that the BLM originally organized to do, range monitoring. To further the burden we are paying private consultants to write standards and guidelines for the BLM because they do not have the staff to do that job that they imposed upon themselves. This EA is of no different mold. It will impose regulation that financially cannot be supported by your agency.	j. Comments noted. Refer to Responses at 21d and e.
124	Winecup Gamble	k. In closing I would challenge you to determine your drought	k. Comments noted. Refer to Responses at 17a and b and 45a

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		<p>management plans on a case by case situation with each Range Conservationist and Permittee. General broad stroke approaches will not only hamstring your agency but handicap certain permittees that are voluntarily and pro-actively dealing with drought very well.</p>	<p>Permittees who are proactive and graze sustainably during drought are not expected to be affected by this EA.</p>
125	Dorsey Land/Wolf and Sons	<p>a. We realize, as all ranchers do, that we are entering our third year of drought. We agree that measures need to be taken when a drought occurs and understand that the BLM has to be able to respond to drought caused issues but this EA is broad and sweeping giving the BLM flexibility to impact only livestock permittees. It is not written in a way to try to work with the permittee during a time when both the permittee and the BLM are looking for the same solution. Livestock permittees need water and feed for their animals for now and years to come. Their goal, like the BLM's, is to maintain these resources. This EA only gives three alternatives for livestock permittees; change of grazing pattern, partial or complete closure, or change nothing. There is no alternative to go to the permittee and try to come up with a solution together, only that the BLM will consult or attempt to consult with them. We are not sure what this means? Will consultation take place before or after a decision has been made?</p>	<p>a. Comments noted. If drought management actions are needed in some allotments, the livestock permittee will be consulted throughout the entire process. Permittees will be invited to be present when data is collected by BLM specialists. Refer to Responses at 17a and b; 35 m, n, o, p, q; 45a; and 59cc.</p>
126	Dorsey Land/Wolf and Sons	<p>b. Many ranchers have already decreased their herd because of this drought. The BLM realizes this, as you noted in your 2/11/14 letter, "some permittees have already voluntarily removed and or reduced cattle numbers due to their observation of lack of forage or water." This proves that ranchers are already taking steps to reduce the effects of drought on forage and water. Why weren't these reduced numbers reflected in the EA to show that steps were already being taken?</p>	<p>b. Comments noted. The premise of this EA is to mitigate for the degraded rangelands within the Elko District that are adversely affected; drought stricken areas that are grazed sustainably will not be affected by this EA.</p>
127	Dorsey Land/Wolf and Sons	<p>c. The DRAs primarily pertain to curtailing livestock grazing and they are defended in a way that is biased against livestock production with or without a drought. No mention of the benefits of livestock, such as the increased water developments by permittees on both public and private land, that benefit wildlife and horses, especially in droughts when riparian areas, springs, aspen stands etc. may dry up. Also, that livestock graze down overgrown vegetation so that new shoots can come up to benefit the sagehen. There is no</p>	<p>c. Comments noted. Refer to Responses at 25k, 61ee, 62ff, and 78e.</p>

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		<p>mention of the private land that is being maintained by livestock producers that wildlife and horses receive much benefit from especially during drought when forage is already scarce. Livestock producers lower their livestock numbers only for the forage to be eaten by horses and wildlife. On page 4, 4th paragraph, it states "If it is determined that wild horse and/ or burro removal from Herd Management Area(s) (HMA) is warranted, pursuant to 43CFR4710.5, areas of allotment(s) that overlap with the HMA(s) would be temporarily closed to livestock grazing." It is interesting that it doesn't say that the horses will be removed, only that it would be closed to livestock grazing. Very few Herd Management Areas (HMAs) have been maintained at appropriate management levels (AMLs) and gathers routinely do not remove the target number of animals when a gather is conducted. But the rancher must comply with the terms and conditions of the grazing permit. This EA does not guarantee that wild horses and/ or burros will be removed from the range, but does guarantee that livestock use of public lands will be limited or possibly removed during drought.</p>	
128	Dorsey Land/Wolf and Sons	<p>d. This EA does not acknowledge the negative impacts that recreational use and wildlife have on public lands during droughts. Why doesn't the BLM urge NDOW to increase the number of elk, antelope and mule deer tags during drought to reduce their numbers in the areas needed. Recreational use should also be reduced commensurate with its impact.</p>	<p>d. Comments noted. Wildlife and recreation (along with other resource uses) are outside of the scope of this EA.</p>
129	Dorsey Land/Wolf and Sons	<p>e. 1. Page 1, Section 1, Introduction, second paragraph, and Section 1.1, Purpose for this Analysis: The second paragraph of the Introduction states that the "EA analyzes a range of management alternatives that may be implemented to mitigate the effects of drought and to address emergency situations." The Purpose for this Analysis states that the purpose of the "EA is to analyze the effects of drought in order to alleviate the impacts of authorized uses and activities on natural and Cultural resources that are at risk of being adversely affected during drought." There seems to be some confusion as to what is being analyzed - drought or management alternatives.</p>	<p>e. Comment noted. The proposed action has been changed. See Section 1.1 of the EA.</p>
130	Dorsey Land/Wolf and	<p>f. 2. Page 1, Section 1.1 Purpose of the Analysis, 3rd paragraph: "The effects of drought are often far reaching, impacting the</p>	<p>f. Comments noted. Refer to Responses at 33h and 521, and refer to Sections 3.0 and 4.0 of the EA for more information</p>

Number	Commenter	Comment	BLM Response
	Sons	<p>environment and economy of an area. This EA will focus primarily on the environmental impacts of drought. " The BLM is required to analyze impacts to a variety of resources, including Socio-economic Impacts. This purpose of the EA is not "to analyze the effects of drought in order to alleviate the impacts of authorized uses ", but rather to analyze the effects of the BLM actions in response to drought. These actions can and do have economic impact on the local economy. The BLM is remiss in not focusing the EA on the economy as well as on the environment.</p>	<p>about socio-economics.</p>
131	Dorsey Land/Wolf and Sons	<p>g. 3. Page 2, Photograph 1 and the paragraph preceding this photo. The BLM should provide some background on this area. It appears that the area may have been burned in the recent past and there is no indication as to how far this location is from water (it could be immediately to the photographer's back). There is no indication as to wild horse use of this area. The use of one undocumented photo to show the "negative impacts" of livestock grazing demonstrates the biased approach that was used throughout this EA. Photographs from allotments showing acceptable utilization levels of 2012/2013 should have been presented to show that permittees are already reducing numbers to maintain acceptable utilizations. The implication of the text and photo is that the entire Elko District (ED) appears as the landscape presented in the photo. This is not the case.</p>	<p>g. Comments noted. Photograph 1 on page 2 shows an area that was not well managed during drought. The photograph simply suggests the need for careful range management in drought years. The premise of this EA is to mitigate the effects of drought and overgrazing, not to single out permittees for poor livestock management.</p>
132	Dorsey Land/Wolf and Sons	<p>h. 4. Page 3, first paragraph, third bullet: <i>"Provide for the rapid implementation of Drought Response Actions in order to alleviate the impacts of authorized uses and activities on natural resources that are at risk of being adversely effected by drought."</i> The BLM already has options for decreasing cattle use through their current regulations. Also, as stated above, permittees are already decreasing the impacts of this drought by decreasing AUM's or duration of use.</p>	<p>h. Comment noted. You are correct that this EA is not needed to reduce cattle numbers in allotments through emergency allotment closures. However, the Elko District felt other Drought Response Actions may be more appropriate than closing allotments to livestock grazing.</p>
133	Dorsey Land/Wolf and Sons	<p>i. 5. Page 4, Section 2.0 Proposed Action, first paragraph: " ... and described in the Drought Monitoring and Mitigation Plan (DMMP) (Attachment 1) in degraded areas (or potentially degraded areas) during drought." There is no definition of "degraded areal" or "potentially degraded areal". If the focus of this EA will be on degraded or potentially degraded areas,</p>	<p>i. Comment noted. The definition to degradation has been added to Page 4, Section 2.0.</p>

Number	Commenter	Comment	BLM Response
		<p>these should already be known and a map of these areas included in the EA. This would at least let permittees know if their grazing allotment was being considered for these Drought Response Actions (DRAs). As the EA is currently prepared, the lack of identification of "<i>degraded areal</i>" and "<i>potentially degraded areal</i>" allows BLM ED to impose the DRAs wherever they choose. This appears to allow for arbitrary and capricious decisions and would set the stage for appeals by affected permittees. It is clear from the statement above that the BLM has determined that there is a condition of land to which the DRAs will apply. This should be disclosed in the document.</p>	
134	Dorsey Land/Wolf and Sons	<p>j. 6. Page 4, Section 2.0 Proposed Action, third paragraph: "<i>Full force and effect decisions would be supported by site-specific monitoring data collected as outlined in the DMMP.</i>" Is the data to be collected prior to implementation of the full force and effect decision? When will BLM ED be collecting this data? Will the permittee be invited to accompany the BLM during data collection? How will the data collection sites be selected? What level of data collection will be conducted? Will the permittee have an opportunity to refute data collected by the BLM?</p>	<p>j. Refer to Responses at 17a and b, 45a and 59cc. The permittee will have the same opportunities to appeal decisions under this EA as offered under all other BLM processes.</p>
135	Dorsey Land/Wolf and Sons	<p>k. 7. Page 4, Section 2.0 Proposed Action, third paragraph: "<i>if it is determined that wild horse and or burro removal from a Herd Management Area(s) (HMA) is warranted, pursuant to 43 CFR §4710.5, areas of allotment(s) that overlap with the HMAs would be temporarily closed to livestock grazing.</i>" If wild horses and or burros are determined to be the causal agents of drought-related impacts, why would livestock grazing be temporarily closed? How long would the closure last? If the HMA is above AML then the HMAs need to be brought to AML as required.</p>	<p>k. Refer to Responses at 25k and 78e.</p>
136	Dorsey Land/Wolf and Sons	<p>l. 8. Page 5, Section 2.0 Proposed Action, second paragraph, last sentence: "<i>Signs of drought stress include reduced shoot and leaf growth, reduction in seed head development, induced senescence (i.e., premature aging), and plant death.</i>" While we may agree that these are signs of drought stress, it is not clear as to how the conditions observed would be compared to areas or plants not in drought stress.</p>	<p>l. The BLM was simply illustrating what plants may experience during drought without being grazed. This EA does not reference measuring or evaluating the physiological features of plants and/or plant communities during drought.</p>

Number	Commenter	Comment	BLM Response
		<p>m. How does one tell what is <i>"reduced shoot and leaf growth"</i>? We see the very real possibility that because the BLM has consulted the Drought Monitor and Vegetation Drought Response Index, then any field check of site-specific conditions would just be an affirmation of the Index, and not a true assessment of reduced production. The BLM has not provided an objective means of how this will be accomplished. Seed head development is rather late in the phenology of the grasses, so how will this type of assessment contribute to timely response? How will <i>"reduction in seed head development"</i> be determined? What is the standard that will be used? What is the level of training necessary to conduct these assessments? How is <i>"induced senesce"</i> determined? What is the standard that will be used?</p> <p>n. This section also indicates that Ecological Site Descriptions (ESDs) will be used. However, most ESDs are not for shrub-dominated conditions, but for a healthy mixture of sagebrush and perennial grasses and forbs. An area that has been without fire for 60 or more years is not likely to resemble the ESD in a normal year, and certainly not in a drought. Therefore, we see where every site-specific monitoring assessment will always lead to "degraded areas."</p>	<p>m. As noted in the EA, the BLM will conduct site specific visits and will make determinations about the severity of drought based on several factors, not only the US Drought Monitor and the Vegetation Drought Response Index. Determinations will be based on information provided on the Drought Monitoring Summary form (see Drought Mitigation and Monitoring Plan) in the EA. Also refer to the previous response.</p> <p>n. Ecological Site Descriptions will not be used for anything except for identifying which species should be used as "key forage species." Refer to Response at 58bb.</p>
137	Dorsey Land/Wolf and Sons	<p>o. 9. Page 5, Section 2.0, B., 1. Water: <i>"Field visits would be conducted in drought-afflicted areas to determine if there are adequate water sources (natural and or developed) to provide for the management and or distribution of wildlife, wild horses and burros, and livestock ..."</i> How will this be determined if wild horse and or burro populations exceed Appropriate Management Levels (AMLs)? Will the livestock permittee be punished by implementation of the DRAs because there is not enough water to support inflated numbers of wild horses and/ or burros? Who will be making the determinations?</p>	<p>o. If there is no water for consumption, there is "no" water for consumption, regardless of AML numbers. The BLM authorized officer (in cooperation with BLM specialists) will make the determination on water availability.</p>
138	Dorsey Land/Wolf and Sons	<p>p. 10. Page 6, Section 2.0, B., 1. Water, last paragraph of the section: <i>"Field observations and professional judgment would be used to determine availability."</i> Whose professional judgment? Will the permittee accompany the BLM on these assessments? Are individuals who have very little historical</p>	<p>p. Comments noted. Refer to Responses at 17a and b; 35m, n, o, p, q; 45a, and 48g. Also note, the BLM authorized officer will make the final determination on water availability. As stated multiple times in the EA, permittees will be invited to attend all drought tours while the BLM</p>

Number	Commenter	Comment	BLM Response
		<p>knowledge or experience of an allotment, using very subjective criteria, going to make decisions that affect the economic well-being of the grazing permittee? The permittee should be involved in these assessments, objective standards/criteria should be developed, and an appeal process for appealing the assessment prior to implementation of full force and effect decisions should be available.</p>	<p>collects drought related data on the Drought Monitoring Worksheet.</p> <p>There is no protest and appeal process before full force and effect decisions are issued. However, there is a protest and appeal process after the decisions have been issued.</p>
139	Dorsey Land/Wolf and Sons	<p>q. 11. Page 7, Section 2.0, B., 2. Forage, Livestock/Wild Horse Distribution: <i>"Pattern of use or distribution of livestock and/or wild horses resulting in a concentration of animals, which contributes to grazing in excess of the aforementioned utilization levels and or stubble heights, would trigger DRAs to improve animal distribution and prevent further rangeland degradation."</i> Because of the concentrated nature of many developed waters (e.g., troughs) or natural waters (e.g., springs), as opposed to waters with greater distribution (e.g., creeks) would likely need different "standards" to identify <i>"patterns of distribution resulting in a concentration of animals."</i> There probably isn't a trough in the ED that doesn't have a pattern of concentrated use during normal, above normal, and certainly below normal precipitation years. Is this the criteria that will <i>be</i> used? Or will it <i>be</i> some expanded area of concentration? This trigger needs to <i>be</i> clear, objective, and measurable.</p>	<p>q. Comments noted. BLM specialists and managers will take into consideration water troughs and other features that may receive heavier use. BLM specialists will focus on acreage associated with terrestrial and riparian areas when evaluating whether triggers should be activated or not. A single point of water, where use is higher, will not trigger any Drought Response Actions.</p>
140	Dorsey Land/Wolf and Sons	<p>r. 12. Page 8, Section 2.0, C., 1. Livestock, Step 1: <i>"Field visits would assess water and forage availability at predetermined sites using the monitoring methods ..."</i> How will the sites <i>be</i> predetermined? The permittee should have input into this process and <i>be</i> included in the field visits. There needs to <i>be</i> transparency of this process to avoid appeals.</p>	<p>r. Comments noted. Because of the many variables involved with public lands grazing, the BLM cannot predict which areas will be degraded during drought. Through on-the-ground observations, sites for drought monitoring will be determined by BLM specialists.</p>
141	Dorsey Land/Wolf and Sons	<p>s. 13. Page 8, Section 2.0, C., 1. Livestock, Step 2: <i>"reasonable attempt to consult with, affected permittees or lessees ..."</i> Consultation with the permittee should occur before the BLM has made a decision and the permittee should <i>be</i> involved in the process of determining the DRAs to <i>be</i> implemented.</p>	<p>s. Comment noted. See Response at 35m, n, o, p, and q.</p>
142	Dorsey Land/Wolf and Sons	<p>t. 14. Page 8, Section 2.0, C., 1. Livestock, Step 3: <i>"Order would be determined based on site specific monitoring data."</i> This EA indicates new monitoring will take place at "pre-</p>	<p>t. Drought monitoring may occur at key areas depending on the allotment. However, degradation of rangelands does not happen at only key areas. Also refer to Response at 140r.</p>

Number	Commenter	Comment	BLM Response
		determined sites" - why not at the existing <i>Key Areas</i> ? The permittee should have input on the selection of the sites for monitoring and <i>be</i> present when the monitoring occurs.	
143	Dorsey Land/Wolf and Sons	u. 15. Page 8, Section 2.0, C., 1. Livestock, Step 4: " <i>Resort to full closure of allotment.</i> " Who will decide and what measurements will <i>be</i> used for numbers 1 and 2? We object to any consideration of full livestock closure of an allotment if the " <i>allotment(s) or portions of allotment(s) overlap with HMA(s) in which it has been determined that wild horse and or burro removal is warranted.</i> " We object to any livestock change of use or closure, if the wild horse numbers have been above AML for the years preceding the drought and are currently above AML and removal of wild horses and burros is not conducted prior to the allotment closure.	u. Comments noted. BLM specialists along with the BLM authorized officer, would determine which drought affected areas need further evaluation due to degradation and ongoing drought conditions. Permittees and other interested parties will be invited to be present when the Drought Monitoring Summary (Appendix A of the Drought Monitoring and Mitigation Plan) is evaluated. Refer to Response 25k and 35m, n, o, p, and q.
144	Dorsey Land/Wolf and Sons	v. 16. Page 8 &9, Section 2.0, Temporary Partial Closure, Temporary Complete Closure of an Allotment(s): The EA states that " <i>Portions of an allotment(s) that lack forage and or water, are in poor condition, or are identified as critical areas to provide forage and or water for wildlife and or wild horses could be closed to livestock grazing for the duration of the drought ...</i> " Closure, either full or partial, of an allotment should not be implemented without full consideration of options to rectify the situation. If lack of water is the issue, why would the BLM not allow water hauling to provide the water necessary to maintain livestock grazing? Are there not "critical areas to provide forage and or water for livestock? Why are resources only critical to wildlife and wild horses? If wild horses are over AML, then the wild horses should be removed prior to any livestock closure. Drought, habitat loss to fire, extreme winters, etc. are all natural factors that affect wildlife populations. The decline in populations of these animals during these periods of stress provide for recovery of critical resources, such as browse on winter range. The AUMs already allocated to livestock take into consideration wildlife populations, and if livestock AUMs are to be reduced, then there should be equivalent reductions in these other herbivores - wildlife and wild horses. Livestock should not be the only herbivore to which reductions (partial closure is a reduction in AUMs) apply. If the BLM closes the allotment to livestock, it	v. Comments noted. Water hauling may not be a viable option for many permittees. Population fluctuations of wildlife and wild horses are already occurring due to limited resources from competition within the Elko District; this is noted in Sections 3.3 and 4.1 B and P of the EA. Allotment closures would be evaluated on a case by case basis and may require the closure and removal of all ungulates, including wildlife and horses. Refer to Responses at 22g, 25k, 57aa and 78e.

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		<p>should also be closed to wildlife and horses. How will the BLM enforce partial closure for wildlife and horses? What about allotments that have a rest-rotation system? The rested pasture should be used to make up for forage lost through partial closure. The pasture would not be grazed for the full time normally allowed in the pasture. Also an allotment should not be closed for an additional growing season after drought if forage growth is achieved due to precipitation.</p>	
145	Dorsey Land/Wolf and Sons	<p>w. 17. Page 9, Section 2.0, Temporary Partial Reduction in Animal Unit Months (AUMs): <i>"During drought, a reduction in livestock numbers would be necessary to ensure that adequate forage is available to meet wildlife, wild horses, and livestock requirements."</i> How will the livestock forage requirement be met by reducing the AUMs? The forage not used by the reduction in livestock is available to the wildlife and the wild horses, and their numbers will not be reduced.</p>	<p>w. Livestock have been appropriated 35% utilization levels during drought periods. If no forage is available, reductions in AUMs will be necessary.</p>
146	Dorsey Land/Wolf and Sons	<p>x. 18. Page 9, Section 2.0, Temporary Change in Season of Use: This DRA calls for no early season grazing on uplands and no late season grazing on riparian areas. Unfortunately, uplands and riparian zones are often contained in the same pasture, and in multiple pastures within allotments. Horses need to have the same restrictions.</p>	<p>x. Comments noted. This Drought Response Action may not be possible for many areas within the Elko District.</p>
147	Dorsey Land/Wolf and Sons	<p>y. 19. Page 9-10, Section 2.0, Temporary fencing of critical areas: There is no mention in this DRA as to who will pay for the temporary fence, who will erect the fence, who will monitor the electric fence, and who will remove the electric fence. An operator whose AUMs are being reduced, or is put in partial closure, or has change in season of use, or reduced grazing duration, or changes in livestock practices certainly will not have the time or the budget to pay for fence materials, maintenance of fences, or erection/ removal of the fence.</p>	<p>y. See Sections 3.3 and 4.1 K and M of the EA for more information about additional inputs and costs associated with Drought Response Actions.</p>
148	Dorsey Land/Wolf and Sons	<p>z. 20. Page 13, Section 2.0, Wild horse and burro removal. This section states that a removal or gather would be the last resort, but should this not be the first action taken if the wild horses are above AML? If they are above AML, they are already at a level where degradation of public lands could occur even without a drought. We advocate that the horse removals be implemented in all HMAs where the herds exceed AML.</p>	<p>z. Comments noted. Refer to Responses at 25k and 78e. Wild horse removal would be a last resort if no other Drought Response Actions could mitigate negative impacts.</p>

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		Livestock should not be removed when the wild horses are in excess of AML. Why is the "long-term health and welfare of the wild horses and burros" the "overreaching goal of a drought gather" rather than protecting the resource?" Site visits should be required on HMA's as required on livestock allotments.	
149	Dorsey Land/Wolf and Sons	aa. 21. Page 16, Section 2.1, Grazing Closure Alternative: This alternative only addresses livestock. Wild horses should be addressed under this alternative, especially where their numbers exceed AML.	aa. Comment noted. Refer to Responses at 25k and 78e. Also refer to section 3.3 (f) for more information about wild horse removals.
150	Dorsey Land/Wolf and Sons	bb. 22. Page 21, Section 3.3, A. Air Quality: There is no quantification of the analysis of the three alternatives, yet the BLM concludes that the Proposed Action would not exceed air quality standards, that the Grazing Closure Alternative would have a beneficial impact on air quality, and the No Action Alternative would adversely affect air quality. Without some quantification, the public, and more importantly, the authorized officer, does not know if these differences are minor or major. The analysis is inadequate. This EA also needs to address how recreation impacts air quality and how it will be managed.	bb. Comments noted. The basis of a benefit from a grazing closure is based on the concept that there would be minimal removal of standing plant material by grazing ungulates, thus decreasing the probability of wind driven soil erosion, and increasing air quality. The No Action Alternative suggests that grazing by all ungulates would continue and could lead to wind driven soil erosion where plant matter is removed (i.e., the photo on page 2 of the EA). As recreation activities are not within the proposed action, recreation impacts to air quality are outside the scope of this EA.
151	Dorsey Land/Wolf and Sons	cc. 23. Page 29, Section 3.3, B. Wildlife, 1. Environmental Consequences of the Proposed Action, Temporarily fencing riparian areas, wet meadows, and other critical wildlife habitat: Are the only impacts to riparian areas, aspen stands, etc. from livestock? The impacts from wild horses, elk and other wildlife, as well as recreation need to be addressed.	cc. Comment noted. This paragraph has been changed to reflect wild horses and wildlife.
152	Dorsey Land/Wolf and Sons	dd. 24. Page 29-30, Section 3.3, B. Wildlife, 1. Environmental Consequences of the Proposed Action, Livestock and wild horses: changes in grazing practices, etc.: Drought is part of the climate of the Great Basin and wildlife populations have basically adjusted to livestock grazing after 150 years of grazing in this area. Prior to livestock grazing and the advent of the BLM, drought caused wildlife populations to fluctuate. There is no reason to expect that the populations that have adjusted to the current forage/water base would not fluctuate in a similar manner as was the case prior to livestock grazing. Removal of livestock or restrictions of livestock grazing	dd. Comments noted. You are correct that wildlife populations are dynamic and that they fluctuate over time with for a variety of reasons. However, overgrazing by livestock has negative impacts on wildlife populations by directly reducing forage, water, and thermal cover. If reductions were deemed necessary in livestock and or wild horse numbers, reductions would correspond with wildlife populations that are already decreasing.

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		without concomitant decreases in wildlife populations is biased against livestock. We object to restrictions and reductions for livestock when wild horses and wildlife populations will be maintained at the expense of the livestock and livestock operator.	
153	Dorsey Land/Wolf and Sons	ee. 25. Page 44, Fire Management, 1. Environmental Consequences of the Proposed Action: Changing livestock classification from cattle to sheep for grazing is stated. This is a good idea but we tried to do it in 2007 for fire and weed management and were denied by the ED BLM. Will this proposed action allow livestock classification changes to be flexible immediately?	ee. The premise of this EA is to accommodate management changes to grazing during drought. If the Elko District BLM agrees to your proposal change for livestock classification, yes, this change could be implemented immediately.
154	Dorsey Land/Wolf and Sons	ff. 26. Page 47, Fire Management, Photograph: The statement, "Photograph 2 shows a picture of the 2007 Red House fire being stopped by a healthy riparian area during a drought year" is inaccurate. This fire proceeded and burnt further North up the back side of Lone Mountain. This is another example of supporting a statement with selected photographs that do not depict the entire situation.	ff. Comment noted. Photograph 2 shows how a productive and healthy riparian area can naturally stop and or slow a fire from spreading to new areas, like the heavily vegetated sagebrush area on the other side of the riparian area in the photograph.
155	Dorsey Land/Wolf and Sons	gg. 27. Page 58, Section 3.3, K. Grazing Management, Affected Environment, 1. Environmental Consequences of the Proposed Action: It is stated, "Actual use of AUMs varies from year to year but is typically far less than is permitted by the ED." This shows that permittees are constantly responding to changes. AUM's vary from year to year due to a variety of reasons, one of which is changing forage and water conditions. Permittees are continually monitoring their resources and changing AUM's accordingly.	gg. Comments noted. The Elko District acknowledges that many permittees respond to limited forage and water availability and is especially appreciative of the responsible ranchers and permittees who practice proactive grazing management. The premise of this EA is to mitigate for the degraded rangelands within the Elko District that are adversely affected by drought.
156	Dorsey Land/Wolf and Sons	hh. 28. Page 58, Section 3.3, K. Grazing Management, 2. Environmental Consequences of the Grazing Closure Alternative; There seems to be some inconsistencies with regard to how long the grazing closure would be. This paragraph states that closure would continue until "resource conditions improve" But on page 16 under 2.1, Grazing Closing Alternative, it states livestock grazing closure would be "for the duration of the drought and one additional growing season following the cessation of the drought". Permittees should be allowed back to their pre-drought allotment use	hh. Comment noted. Page 16 under Section 2.1 has been changed to say "until resource conditions improve."

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		without restrictions as soon as forage and water conditions return to normal, which Mother Nature can do rather quickly in Nevada.	
157	Dorsey Land/Wolf and Sons	ii. 29. Page 58-59, Section 3.3, K. Grazing Management, 3. Environmental Consequences of the No Action Alternative: There would be no modifications made by the ED BLM, but we feel it should be noted that ranchers are already decreasing their livestock numbers. Also, the BLM is concerned with "situations where rangelands fail to meet BLM standards and guidelines (S&Gs) for rangeland health" due to livestock grazing, yet the BLM is not following their own S&Gs with regards to not having the HMAs at the required AMLs.	ii. Comments noted. See comment 31f.
158	Dorsey Land/Wolf and Sons	jj. 30. Page 60, Section 3.3, L. Recreation, 1. Environmental Consequences of the Proposed Action, 3rd paragraph: The discussion of wild horse gathers having an impact on wild horse viewing is without foundation. This would only be true if "removal" meant total removal of wild horses from the public lands, not the "reduction" that was supposed to occur as needed to keep horses at AMLs. Horses should be kept at AMLs, which still provides wild horse viewing.	jj. Comments noted.
159	Dorsey Land/Wolf and Sons	kk. 31. Page 60, Section 3.3, L Recreation, 2. Environmental Consequences of the Grazing Closure Alternative: Defend these statements. How many collisions and what shared pathogens? Statements like these only serve to cause bias against livestock with no basis or fact.	kk. Due to the threat of contamination of drinking water by pathogenic microorganisms, livestock manure in streams is an important human health concern (Strand and Merritt, 1999). Pathogens include bacteria, protozoa, viruses, and helminthes (worms) that have the potential to cause human illness.
160	Dorsey Land/Wolf and Sons	ll. 32. Page 60, Section 3.3, L Recreation, 3. Environmental Consequences of the No Action Alternative: Why aren't there DRA's for the recreationalists? As stated in this paragraph they further stress the riparian resource. This EA needs to examine the impacts of recreational use on riparian areas, air quality, forage and fire risk.	ll. Recreational activities are outside the scope of this EA. They are however, considered an added activity with the Reasonably Foreseeable Activities, as are other forms of multiple-use.
161	Dorsey Land/Wolf and Sons	mm. 33. Page 62 - 65, Section 3.3, M Socio-economic Values: <i>"BLM is concerned about and aware of the potential socio-economic consequences of rangeland management action."</i> This is not demonstrated in this EA. Many of the DRAs will have economic impacts on permittees with respect to the ability to generate income, and in direct costs from	mm. Comments noted. Refer to Responses at 33h and 52l.

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		<p>implementing the DRAs that are imposed upon them by the BLM. The analysis of the potential socio-economic impacts is inadequate. This document states that it would cost permittees over 9 million dollars if there was a complete closure, which is a low estimate. The \$13 cost used in this document reflects more what the permittees costs are on an allotment. This includes the \$1.35 AUM fee along with the labor, fuel, fencing, etc. costs to maintain the allotment and care for the livestock on the allotment. The cost to lease alternative forage in Nevada ranges from \$15 to \$19 (yearlings) per AUM on private land. These prices reflect the lessor taking care of the livestock and the maintenance of their land. Additionally transportation costs will be increased substantially if cattle need to be hauled to distant pasture rather than just turned out the gate. There will be a substantial economic hardship for the permittees as well as supporting industries. When cattle are hauled to new areas, local businesses will no longer be used for supplies, etc. It is stated that, "some other corporation or individual could purchase the base property", but does not take into consideration the impacts to the base property and public land in checkerboard patterns that have the potential to be subdivided. Ranches may be sold but the possibility of the checkerboard private ground turning into subdivisions and the impact that may have on public ground is not addressed.</p>	
162	Dorsey Land/Wolf and Sons	<p>nn. 34. Page 64, Section 3.3, M. Socio-Economic Values, 1. Environmental Consequences of the Proposed Action, last paragraph of the page: <i>"Implementing changes in livestock grazing practices would not necessarily include a reduction in AUMs; therefore, minimal material, labor, or transportation cost would be incurred by permittees."</i> This statement cannot be supported at all. Permittees will incur substantial increased costs due to extra monitoring of cattle, feed and water during a drought, both prior to turnout and during grazing so as not to exceed S&Gs. The yearly maintenance costs of an allotment are the same even if grazing duration is reduced. Permanent fences and water sites need to be checked and maintained yearly. Additional costs will be incurred if the permittee has to put up and dismantle temporary fences and has to move and transport livestock if forage and water decreases.</p>	<p>nn. Page 64, Section 3.3, M Socio-Economic Values: <i>"Costs associated with the materials, labor, and transportation necessary to implement temporary range improvement projects (i.e., water troughs [water hauls], above ground pipelines, fencing) under the Proposed Action could adversely impact permittees."</i></p> <p>As stated, a change in livestock grazing through the implementation of Drought Response Actions would not necessarily cost the permittee any more than if no Drought Response Actions were implemented.</p>

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163	Dorsey Land/Wolf and Sons	oo. 35. Page 77, Section 3.3, P. Wild Horses, Affected Environment: <i>"The 2012 estimated population within the ED is approximately 2,113 wild horses. The AML for the ED HMAs is 652-1,338."</i> There should be no discussion of DRAs related to livestock in any allotments where wild horse numbers exceed AML. Wild horses should be removed to achieve AML and then allotment-specific assessments and EAs should be conducted to determine if any DRAs related to livestock grazing should be implemented. The BLM cannot determine that livestock will cause drought-related impacts if the wild horses are not at or below AML. Table 9 indicates that 6 out of the 8 HMAs in the ED are above (most way above) AML and all but 2 population estimates were made two or more years ago. Therefore, the table does not account for two or more years of mortality and recruitment.	oo. Comments noted.
164	Dorsey Land/Wolf and Sons	pp. 36. Pages 77-104, Section 3.3, P. Wild Horses: There should be no changes to livestock grazing operations until wild horse numbers are at or below AML.	pp. Comment noted.
165	Dorsey Land/Wolf and Sons	qq. 37. Page 103, Section 3.3, P. Wild Horses, last paragraph: <i>"Additionally, promulgated Federal Regulations at Title 43 CFR 4100.0-6(a) state Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."</i> The number of wild horses is currently more than double the AML. The BLM is mandated to keep horse numbers at AMLs according to Title 43 CFR 4700.0-6(a) as well as S&Gs(43 CFR4180). They have to start reducing the horse numbers and not force the livestock permittees to continue reducing their herds without reducing horses. The above regulation states, "managed as self-sustaining populations of healthy animals in balance with other uses." Therefore before more regulations are directed at livestock, HMAs have to be brought to appropriate AMLs.	qq. Comments noted.
166	Dorsey Land/Wolf and Sons	rr. This EA only addresses livestock and horses, but does not address the impacts of recreational and wildlife use and the management practices that should be used to minimize their impacts. All monitoring must be completed with the permittee. The monitoring in this plan is very subjective.	rr. Comments noted. Refer to Responses at 17a and b; 35m, n, o, p, and q; and 45a.

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		<p>Therefore the permittee who will be affected and has the historical knowledge of the allotment, i.e., water sources, cattle distribution, plant production etc., needs to be involved in every level.</p>	
137	Sherry Oster	<p>a. I have grave concerns about BLM’s drought management plan because it includes the fencing off of wild horses from water sources on their legally designated land. 1) <i>construct temporary pipe rail fences around five degraded springs within the Bluebell and Goshute Peak Wilderness Study Areas (WSAs) to improve wildlife water sources thereby benefiting/improving wilderness values;</i> There should be NO fences constructed on Herd Management Areas as they impact ALL wildlife, especially during a drought situation when they would be inclined to seek water sources. http://wyofile.com/high_country_news/the-perilous-journey-of-wyomings-migrating-pronghorn/ Pronghorn have thin stilt-like legs built for running rather than jumping. "This fence has five strands, but the bottom one is buried in snow, so this doe had to jump, and she got her wrist caught in the wire," says photographer Joe Riis. "I pulled the wire apart, but most pronghorn that get caught like this don't make it." (see photo)</p>	<p>a. Any temporary fencing will be site specific and will take into account all wildlife and wild horses in the area. This EA does not propose to “<i>construct temporary pipe rail fences around five degraded springs within the Bluebell and Goshute Peak Wilderness Study Areas (WSAs) ...</i>” as is suggested in comment #137. All Drought Response Actions that include temporary fences will be wildlife friendly, according to NDOW and BLM specifications.</p>
168	Sherry Oster	<p>b. I have grave concerns about BLM’s drought management plan because it includes removal of wild horses from their legally designated land. There should be NO removals of Wild Horses or Burros from their Legal Herd Management Areas because of drought. ALL Wildlife species are impacted by drought conditions, but they are not removed from their natural habitats. The same holds true for Wild Horses and Wild Burros. Complete removal of all animals in an HMA (excerpt below, page 92 of EA): “<i>The decision to remove all animals would be made after analysis of the environmental and animal data, and only done in order to prevent suffering of animals due to the absence of forage and/or water and reduce negative impacts to rangeland resources.</i>”</p>	<p>b. Refer to Responses 69a, 25k, and 86b.</p>

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169	Sherry Oster	c. Wild Horses and Wild Burros have a statutory right to be in their Legal Herd Management Areas. To completely remove them would be against the Legal Mandates of the Wild and Free Roaming Horses and Burros Act.	c. Refer to comments 69a, 25k, and 86b.
170	Sherry Oster	<p>d. The following portion of this legal declaration applies to ALL Herd Management Areas. ALLOW WILD HORSES TO HELP MAINTAIN A THRIVING ECOLOGICAL BALANCE: <i>HOW WILD HORSES HELP THE ECOSYSTEM</i> by Craig Downer http://wildhorsepreservation.org/how-wild-horses-help-ecosystem</p> <p>As concerns mutualistic relations, we again note that horse feces contain less thoroughly decomposed vegetable matter than would a ruminant's and, for this reason, more greatly aid in building the nutrient-rich humus component of healthy soils. This leads to better water retention and nutrient levels for root absorption, and the overall well-being of the horse- or burro-inhabited ecosystem. Also the less-digested feces majorly feed the ecological food chain, benefiting a host of organisms and species from tiny microorganisms to beetles and bugs, worms, birds, rodents, lizards, and larger animals that feed upon these. Additionally, both wild horses and burros are major prey species that contribute substantially to natural predator species such as puma, wolf, and bear. They should be regarded as one with the great tapestry of these large-predator-containing ecosystems and incorporated in regions of wolf, bear (especially grizzly) and puma reintroduction. The fact that the horse and burro are not committed to as thoroughly decompose the plants they ingest as compared to ruminants, coupled with the fact that they spread their grazing pressure over vast areas, not camping on any one area (unless so forced by human interference with their habitat, e.g. fences, fenced off water holes, etc.) makes them the perfect reducers of dry, parched and flammable vegetation and so the perfect preventers of the catastrophic wildfires that are on the increase, especially in the West where the wild equids are found. The drying of large portions of the West due to Global Warming makes the equid role particularly critical. Again, their building of more moisture-</p>	d. Comments noted. Refer to Sections 3.3 and 4.1 P in the EA for more information about wild horses in the context of this EA.

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		<p>retaining soils makes them very important in this respect, since soil moisture dampens out incipient fires and makes the air coating the earth also more moist. Horses and burros are much better equipped for this increasingly important service to all the life community, including man, than ruminant grazers, particularly domesticated ones. Indeed, these equids refill a significant empty niche within the North American ecosystem.</p>	
171	Sherry Oster	<p>e. It is imperative that America’s Wild Horse populations be preserved and protected. Their resilience and adaptability has proven itself time and time again. They would otherwise not have survived. They are as adapted to the western rangeland environment as are the Przewalski Horses to Mongolia.</p> <p>There must be NO fertility control measures of any kind implemented at this time, as the genetic viability of the few remaining Wild Herds is already at risk. As noted in the following article, smaller populations are at greater risk than are those which are larger and more robust.</p>	<p>e. Implementing fertility controls may be a viable option to slow reproduction in some herds of wild horses. Refer to Section 3.3 and 4.1 P in the EA for more information about proposed fertility control measures.</p>
172	Sherry Oster	<p>f. The few remaining Wild Horses and Burros that remain on public lands today are cherished by the American People. They are an integral part of the Western range and a valuable component of a Thriving Ecological Balance. The 1971 congressional Wild Horse and Burro Act states: <i>“It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death.”</i> Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands. This is the Law.</p>	<p>f. Comment noted.</p>

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173	Sherry Oster	g. You have the great responsibility of protecting our precious Wildlife and our Public Lands. These belong to ALL of us, not to the “highest bidder.” Future generations will either thank you or blame you for the decisions that make now. Please take this responsibility seriously.	g. Comment noted.
174	Wild Horse Education	<p>a. We request the addition of the following DRAs:</p> <ol style="list-style-type: none"> 1. Diversionary feeding be implemented to disperse populations to areas where suitable forage exists. Diversionary feeding may be used in conjunction with water hauls. As horses are capable of traveling in excess of 20 miles per day, diversionary feeding may be used as a temporary measure to redistribute populations. 2. Removal of drift fencing, allotment fencing or any other impediment to appropriate dispersal of populations in order to access freely all available acreage within an HMA (or Complex) may be ordered. 3. In locales where sufficient water sources exist outside an HMA boundary, that may be considered a draw to wild horses in times of drought, that the designation “off HMA” is temporarily suspended as a removal trigger. <p>Overall notation: All photographs utilized within this or subsequent documents must have date and time embedded with the image. (Currently they do not and the information is pertinent to comment).</p>	<p>a.1. Refer to Section 2.3 of the EA.</p> <p>2. Outside the scope for this EA.</p> <p>3. Managing wild horses outside of established HMAs is outside the scope of this analysis.</p> <p>Photographs placed in this EA were to assist with emphasizing how drought can have negative impacts on ungulates and rangelands.</p>
175	Wild Horse Education	<p>b. We request that the following language be added (bolded) to this paragraph that currently appears on page 13: “Pursuant to 43 CFR §4710.5, areas of allotment(s) that overlap with the HMA(s) would be temporarily closed to livestock grazing if necessary to protect the health of wild horses or their habitat. The livestock grazing closure would be in effect for the duration of the drought plus one growing season following the cessation of the drought. If a livestock grazing closure is implemented, wild horses would be removed from the range at varying levels (see “removal numbers” below) in order to prevent suffering and death due to drought conditions on the range and prevent further degradation of resources affected by drought only after sufficient opportunity has been afforded to allow for wild horse population redistribution after livestock removal.”</p>	<p>b. BLM is unaware of current WO Directives as referenced in comment 175.</p>

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		<p>(This request is supported by current directives from National BLM management that pertain to removals).</p>	
176	Wild Horse Education	<p>c. We request the following changes to page and 12 and 13 (bolded) <i>Step 2: DRAs would be selected based on the evaluation of site-specific monitoring data, best available HMA specific population data and known animal behavior and distribution patterns. DRAs would be chosen on case-by-case basis suited to site-specific conditions. More than one DRA could be selected depending on conditions. Efforts should be made to select DRAs that could be implemented in a subsequent fashion to respond to changes in drought conditions (e.g., temporary water haul followed by water trapping, if needed). Interested public shall be notified and potential for cooperative efforts explored to implement DRAs.</i> <i>Step 3: Implement DRA(s) in selected order. If a drought gather is being considered as a DRA, interested public would be notified as drought gather being considered.</i> <i>Step 4: If a drought gather is implemented (after implementation of other DRAs have been ineffective and sufficient time has elapsed to indicate such, or conditions have escalated beyond scope of effectiveness of other measures) interested public will be notified through a full force and effect decision with an attached site-specific gather plan. Site-specific data related to the drought gather would be provided in the Decision and Drought Gather Plan documents.</i></p>	<p>c. Comment noted. Any gather activities that are needed would be preceded with a notification to interested publics through a news release and likely some level of communications/coordination with publics.</p>
177	Wild Horse Education	<p>d. 3. (Section noted as “Removal of animals to a point below the low AML”) During a prolonged drought, forage and water resources could become severely limited to a point that wild horses and/or burros must be removed below the low range of AML in order to prevent widespread suffering and death. The post gather population target would be determined based on the existence and reliability of remaining resources. This option would be implemented in order to prevent subsequent emergency conditions due to ongoing or worsening drought conditions. This option could be implemented in combination</p>	<p>d. Any proposed removals would be subject to further consultation, coordination, and cooperation with the interested public through the NEPA process.</p>

Number	Commenter	Comment	BLM Response
		<p>with temporary water hauls. This situation <i>shall</i> involve holding wild horses or burros in contract facilities with release back to the range when adequate resources exist. In HMAs where populations exist below 120 reproductive adults, removal to below AML shall only be used as a “last resort” option.</p>	
178	Wild Horse Education	<p>e. 4. (Section noted as “Complete removal of all animals in an HMA”) <i>Only</i> in extreme situations, the complete lack of forage and/or water in certain locations could warrant the removal of all locatable wild horses and burros to prevent their death. This situation would only apply as a last resort, <i>after implementation of additional DRAs</i>, and <i>shall</i> involve holding wild horses or burros in contract facilities with release back to the range when adequate resources exist. Subsequent release of horses and/or burros would be subject to Nevada and Washington BLM office approval and could occur several months after the gather. If complete removal and subsequent release is chosen, population control methods could be implemented prior to wild horses being released back to the HMA. Population controls would not be implemented in burro populations. <i>The removal of horses would not impact the status of the region as HMA. This document considers “supplemental feeding” of livestock as a DRA and makes the consideration to exclude this alternative by assessing “livestock” as both cattle and wild horse and burro use. We ask that this alternative be further analyzed with consideration of each use separately.</i> Cited in this section is “43 CFR 4700.0-6 (a) which states that, “Wild horse and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.” It is exactly the “competition with other uses,” while “other uses” have available resources outside the HMA boundaries to utilize yet wild horse and burro populations must compete for resources with set boundaries of an HMA, that create an additional stress to the resources contained within. As the “productive capacity” of the habitat may have been over utilized by “other uses,” as drought is a cyclical part of the exact habitat in question, in allotting resources for other uses over utilization</p>	<p>e. Comments noted. Complete removal would be a last resort type of action. See response to comment 177.</p>

Number	Commenter	Comment	BLM Response
		<p>is a likely outcome if ranges cannot sustain healthy populations of genetically viable wild horse and burro herds during years of drought. The loss of any population of wild horses within any HMA should not be a consequence from ranges over utilized in non-drought years, without the foresight for drought years, should have every possible tool available to be used as appropriate situations permit.</p>	
179	Wild Horse Education	<p>Page 78 f. The following comments are made in reference to the chart on this page outlines estimated populations with HMA's and notes "AML" and population estimates. Three of the HMAs listed are managed as a "Complex" systems in conjunction with the Winnemucca District, 1 in Conjunction with Battle Mountain and Ely as part of another "Complex" and 4 in conjunction with Ely as part of yet another "Complex." The management plans in these areas have been completed. They are based on <u>movement within a "Complex"</u> to justify removals. These plans are also multiple year plans based on movement throughout HMA's in theses Complex's. The notation made in this section also states: "Wild horse populations generally move throughout or between HMAs in response to forage and water quantity, precipitation, temperature and other factors that change seasonally. Competition resulting from increased populations would also influence wild horse movement within and/or between HMAs as well as outside HMA boundaries." <i>As the ED states that these movements exist and are a known factor please include data available on movement between HMAs. Then please include an analysis of known spring sources and evaluations of those likely to be most effected in times of drought.</i> <i>After this analysis has been done appropriate coordination can be achieved within Complex systems for water hauls and control of population dispersal throughout the Complex as appropriate DRAs are crafted. As removal plans are made based on a "Complex" system so should any "DRA" during drought.</i> <u><i>Without this information the public cannot adequately engage in any process of public comment to DRAs for wild horses as appropriate actions could not be determined.</i></u></p>	<p>f. All decisions made in association with this EA will be site specific and will outline suggested information based on particular location or HMA. To include the suggested level of detail is not practical for this document.</p>

Number	Commenter	Comment	BLM Response
		<u><i>The assessment process is inadequate.</i></u>	
180	Wild Horse Education	<p>Page 84</p> <p>g. If it is determined that wild horse removal is warranted (i.e., all other feasible DRAs have been exhausted), all livestock within the HMA would be removed prior to the commencement of a gather (<i>and appropriate time allowed for redistribution of wild horse populations and other DRAs are considered</i>).</p>	g. See response to comment 179.
181	Wild Horse Education	<p>page 85</p> <p>h. This sentence <i>be omitted</i>: “This data affirms that the use of helicopters and motorized vehicles has proven to be a safe, humane, effective and practical means for the gather and removal of excess wild horses from the range,” as the National Academy of Sciences (NAS) report cited the BLM wild horse and burro program severely lacking in actual “data” to support claims made as “data.” The BLM further prohibited the NAS from researching, studying or in any other fashion making recommendations or determinations about “humane care.” The document then states: “The SOPs outlined in Appendix A of Attachment 2 would be implemented to ensure that the gather is conducted in a safe and humane manner. <u><i>(Please see Comments to SOPs included in this letter, beginning on page 6 of our “comment letter”)</i></u>”</p>	h. Comments noted.
182	Wild Horse Education	<p>i. In light of the information in the previous paragraphs please change the following sentences as noted in <i>bold</i>: The BLM Wild Horse Specialists and the gather contractor and crew <i>shall be</i> very attentive to the needs of all animals captured during gathers, ensuring their health and safety. Rarely, Wild horses could encounter barbed wire fences and could receive wire cuts (<i>visible barbed wire fencing will be removed where possible or clearly marked with colored ribbon, with markings no more than six feet apart</i>). On some gathers, injuries to horses occur more frequently due to animal temperament, <i>admitted poor handling (as at Triple B in the Elko district)</i> and/or body condition. However, on other gathers, no animals are injured or die. Please <i>omit</i> this sentence: “Over the last 20 years, it has been proven that, with the exception of changes to herd</p>	i. Comment noted.

Number	Commenter	Comment	BLM Response
		<p>demographics, direct population-wide impacts are usually temporary in nature and with most;” as the NAS report states that the data BLM has on wild horse populations is severely lacking and that impacts are not understood and removals may likely cause a significant impact in increasing reproductive rates.</p>	
183	Wild Horse Education	<p>Page 92 j. please make the identical changes to the identical environment or genetic parameters and usually range from those favoring studs (60:40) over mares to those favoring mares (40:60) over studs. paragraphs noted previously on page 15.</p>	j. Comment noted
184	Wild Horse Education	<p>Page 96 k. “... as population ratios of 60% stallions to 40% mares are not considered extreme departures from natural sex ratios.” <i>(Please include the natural sex ratios present within the district, in each HMA, to support this claim and supporting data. Requests for data are relevant given the findings of the National Academy of Sciences Report and the implications to wild horse populations if assertions are false. The public needs to view the data to appropriately comment and the development of adequate DRAs.</i></p>	k. Comment noted. The sex ratios of wild horse populations vary depending on specific environment or genetic parameters and usually range from those favoring studs (60:40) over mares to those favoring mares (40:60) over studs.
185	Wild Horse Education	<p>Page 97 l. “Though this could result in sex ratios with higher than 60% studs, the populations would not be so large that competition and fighting among studs would be much higher than normal levels.”(Please cite supporting documentation for this claim to provide for adequate public comment and subsequent adequate DRAs).</p>	l. Conversely, a selection criterion, which leaves more mares than stallions, would be expected to result in fewer and smaller bachelor bands, increased reproduction on a proportional basis with the herd, and larger band sizes. With more stallions involved in breeding it should result in increased genetic exchange and improvement of genetic health within the herd.

Number	Commenter	Comment	BLM Response
186	Wild Horse Education	<p><i>m. IMPORTANT NOTATIONS</i></p> <p><i>1. Handling of Animals</i> The SOPs included in this Assessment document for capture of wild horses and burros are insufficient. Two of the three “Complex” systems of HMAs within this document have gained recent court orders to inappropriate activities during wild horse removals. One removal lead to the “Triple B Review” that included admission that inappropriate conduct did indeed occur at the removal operation. Language included in court documents is not evident in the SOP. <i>“At no time shall the helicopter come dangerously close or in contact with an animal.”</i> A current active Federal Court Order exists in one of the Complex’s listed in this Assessment. The Order was dated January 10th 2013. Some of the language is listed below and is not reflected in the SOP attached to this Assessment.</p> <p><i>2. Defendant must conduct the gather and transport in a humane fashion pursuant to 16 U.S.C. § 1333 (b)(2)(iv)(B) and 43 C.F.R. § 4700.0-5(e)-(f).</i></p> <p><i>3. Defendant cannot use “hot shot”/electric prod treatment on the 14 weanlings it plans to transport.</i></p> <p><i>4. Defendant cannot routinely use “hot shot”/electric prod treatment during the planned gather and transport of the adult horses. Defendant may only use such treatment as necessary to ensure the safety and security of the horses and handlers.</i></p> <p><i>5. Defendant cannot conduct the gather or transport in a manner where the horses are driven through barbed wire fences.</i></p> <p><i>6. Defendant must conduct the gather and transport in a manner ensuring that all foals are able to keep up with the drive, and none are left behind from the herd.</i></p> <p><i>7. To the extent Defendant uses such methods, Defendant cannot conduct the gather or transport in a manner where the horses are treated with rushed and aggressive loading tactics from the trap sites into the trucks.</i></p> <p><i>8. To the extent Defendant uses such methods, Defendant cannot conduct the gather or transport in a manner where the horses are rounded up from unsafe trap locations.</i></p>	<p>m. Comments noted, and Outside the Scope for this EA. The requirements on comment 186 were specific to the Owyhee Gather only, and not BLM program wide.</p>

Number	Commenter	Comment	BLM Response
		<p>In addition to the language that exists in ongoing federal litigation a “Leaders Intent” was issued by the state director of Nevada in March of 2012 to the expectations for handling of horses during capture. This document is missing from this Assessment and the directives in the “IM.”</p> <p><i>Until alternative actions are considered for handling of wild horses during capture the assessment and all subsequent decisions are inadequate. Particularly in a document assessing alternative for actions where animal handling concerns should be of paramount importance.</i></p>	
187	Wild Horse Education	<p><i>n. 1. Access to Observation of removals, transport and holding facilities</i></p> <p>The Ninth Circuit Court of Appeals issued a ruling in Leigh V. Salazar (3:10-cv-00597) in February of 2012. In part the Decision notes: “Under this framework, a court cannot rubber-stamp an access restriction simply because the government says it is necessary. By reporting about the government, the media are “surrogates for the public.” Richmond Newspapers, 448 U.S. at 573 (Burger, C.J., announcing judgment); see also Cox Broad. Corp. v. Cohn, 420 U.S. 469, 490-91 (1975) (“[I]n a society in which each individual has but limited time and resources with which to observe at first hand the operations of his government, he relies necessarily upon the press to bring to him in convenient form the facts of those operations.”). When wrongdoing is underway, officials have great incentive to blindfold the watchful eyes of the Fourth Estate. See Timothy B. Dyk, Newsgathering, Press Access, and the First Amendment, 44 STAN. L. REV. 927, 949 (1992) (“[W]hen the government announces it is excluding the press for reasons such as administrative convenience, preservation of evidence, or protection of reporters’ safety, its real motive may be to prevent the gathering of information about government abuses or incompetence.”)”</p> <p>Observation of wild horse and burro capture is not to be conducted according to convenience of government personnel but as an integral part of “gathers” that are of significant public interest. Every reasonable attempt to should be made to allow assessment of handling and condition of animals. <i>This will become of paramount importance during capture of</i></p>	<p>n. Any gathers that may occur will be conducted following the most current guidance and policy from both the State and National level.</p> <p>The visitation protocol is included as an Appendix in the EA. Should any drought gathers be necessary, a public visitation plan would be developed prior to [commencement which] the start of the gather and would include logistical and management activities to ensure the safety of the animals, the public, BLM staff and the contractors. The Elko District would make every attempt to provide meaningful viewing opportunities to the public while ensuring safety, and following existing law and policy. EAs are intended to evaluate environmental impacts of proposed actions, and not to outline public observation. See Responses at 179 and 182 above.</p>

Number	Commenter	Comment	BLM Response
		<p><i>animals that may be compromised due to drought.</i> This document is inadequate in that it does not reflect the importance of properly allowing the American public an opportunity to independently assess removals and animals after capture.</p>	
188	Wild Horse Education	<p>o. “IF” the FAA regulation cited pertains to helicopter capture of wild horses and burros please cite the exclusion for ground personnel, family members of contractors, friends, non-government personnel invited by BLM or any other individual that excludes the cited “500 ft.” distance rule cited as pertinent.</p> <p>p. It is also noted that this mitigation plan is limited in scope to grazing impacts during drought. An appropriate mitigation document would list all uses in the area and any potential restrictions that may be taken. (Such restrictions could include limiting surface disturbance during extractive exploration).</p>	<p>o. Comment noted. The interpretation of compliance with FAR 91.119 resides with the pilot. Ultimate responsibility for public access, balanced with the need for adequate safety measures, must be determined by the line manager, in consultation with the pilot.</p> <p>p. Comment noted, but not fully understood with regard to extractive exploration and wild horses. See Response at 29b. If comment is intended to refer to minerals exploration, then extractive exploration is beyond the scope for the Proposed action and purpose and need of this EA.</p>
189	Elko County Association of Conservation Districts	<p>a. In BLM’s own words, “It is important to note that BLM is directed by the Taylor Grazing Act to take actions that would stabilize the livestock industry that is dependent upon public rangeland forage.” Yet in the document, you state that there would be detrimental effects to small communities based on the potential loss of family owned ranches. The lack of concern demonstrated by your acceptance of the fate of the communities is thoughtless. You truly have the power to destroy the cult, custom, and culture of northeastern Nevada; a life style that has been around since the mid-1800’s. Unfortunately for the area, you are obviously not afraid to use that power, even if it is against your own Taylor Grazing Act guidance.</p>	<p>a. The intent of implementing Drought Response Actions is to protect rangeland health to ensure the long-term sustainability of livestock grazing on public lands managed by the Elko District. Though Drought Response Actions may have short-term impacts to livestock operators, long-term economic benefits are expected as a result of reduced impacts to range resources (e.g., forage production) during drought, thus reducing potential for future AUM reductions due to rangeland degradation, if identified through S&G evaluations. Drought Response Actions are intended to be applied on a case-by-case basis using site-specific information.</p>
190	Elko County Association of Conservation Districts	<p>b. Drought and Climate Change. We agree that drought conditions periodically occur and have an effect on water and forage resources. Droughts may last multiple years or become the ‘norm’. Does this mean that the range will be closed for livestock use indefinitely? How will a multiple year drought scenario be handled? These questions are not answered in the documents. While the Drought Monitor and Vegetation Response Index is useful, it does not have the specificity needed to make site-specific determinations.</p>	<p>b. Comment noted. Refer to Sections 2.0 C and 2.1 for more information about grazing closures. For site-specific information refer to Responses at 17a and b.</p>

Number	Commenter	Comment	BLM Response
191	Elko County Association of Conservation Districts	c. In your own words, climate change is complex. The use of the climate change citation from 1971 is negligent. In 43 years there have been not only advances in climate change models, but the concept continues to be hotly debated.	c. Refer to Sections 3.3 and 4.1 F for more information about climate change in relation to the proposed action of this EA. Also see Response at 42f.
192	Elko County Association of Conservation Districts (ECACD)	d. The suggested use of “triggers” is too broad and will lead to open interpretations and inconsistent applications based on individual’s opinions. Employment with the BLM does not “Professional judgment” make. You need to consult with professionals within that field, particularly those outside of BLM. We are concerned that the BLM staff will not know where all the water sources are, what the usage is, or how many animals are using the individual sources. Without this basic knowledge there is no way to know if there is available forage or water.	d. As the ECACD is fully aware, the Elko District employs trained and educated individuals, who are also considered to be experts in various fields of natural resources, including rangeland management. Refer to Responses 35m, 38a, and 48g.
193	Elko County Association of Conservation Districts	e. The listed criteria for judging water availability or unavailability is too subjective. Why are “unsafe conditions” being used as criteria? Is BLM going to go around and protect all wildlife from “unsafe conditions” they may encounter? Remove this from the criteria and use scientifically proven methods.	e. BLM, NDOW, USFS, and other federal and state agencies are all tasked with making management decisions about the general health and safety of public, wildlife, and ungulates on public lands. Safety concerns (including those of ungulates) are part of the legal mandates and requirements in multiple laws and Acts, and cannot be removed from the BLM concerns or criteria.
194	Elko County Association of Conservation Districts (ECACD)	f. In order for utilization to be considered as a ‘trigger’, a full Natural Resource Inventory (NRI) would have to be conducted prior to the drought during a normal growing year. Too, the NRI should not be done on an allotment scale, rather every set amount of acres (i.e. 1000 acres). It should conform to standards accepted in the Natural Resource field and be able to be duplicated using set GPS points.	f. Utilization techniques used by BLM have been used successfully for years to evaluate rangelands (BLM Technical Reference 1734-3). These techniques are scientifically accepted methods that can help evaluate grazing intensity and pressure, regardless of what season the data is collected.
195	Elko County Association of Conservation Districts	g. We support field visits and site-specific monitoring that will determine the DRAs. However, at the current level of BLM staffing this will be impossible to do in a timely manner and may lead to sub-par field assessments. The selection of “predetermined sites” should be done in conjunction with the permittee. There should also be a written reason as to why this site was selected.	g. The BLM has indicated drought monitoring will be a number one priority within the Elko District. BLM specialists, in collaboration with all interested parties, will select sites that require additional drought related monitoring. See Response at 35m, n, o, p, and q.

Number	Commenter	Comment	BLM Response
196	Elko County Association of Conservation Districts	<p>h. “DRAs would be implemented...after consultation with, or a reasonable attempt to consult with, affected permittees or lessees, the interested public,...”. What is a “reasonable attempt”?</p> <p>i. It seems that consultation with all the parties listed is going to be a long-process, with mixed results depending on who is consulted. Why were these parties not consulted in the development of this EA and DMMP? If the recommendations in Nevada’s Resource Management During Drought (NV H-1730-1) Handbook, section Communication and Coordination, had been followed, you would have been made aware of the position of the permittees and other interested parties and would have worked towards a more coordinated approach that included input and support from the various land users.</p>	<p>h. Meetings are held throughout the year between BLM personnel and permittees/lessees that most often include the assigned BLM rangeland specialist and the permittee(s) and or their ranch managers. However, it is not uncommon to include the appropriate Field Office Manager and the Elko District Manager. The various meeting types include: <u>face-face settings</u> either in the Elko office or out and on-the-ground allotment visits, <u>conversations over the telephone or cell phone</u>, and or through <u>written correspondence</u> shared by email or via the U. S. Postal Service. Reasonable attempts include trying to reach a permittee through all three avenues noted above, and for the most difficult cases will include a certified receipt letter sent via the U. S. Postal Service.</p> <p>i. Notifications were sent out on three separate occasions to all permittees, local governments, and interested parties within the Elko District about the preparation of this EA and the Drought Monitoring and Mitigation Plan.</p> <p>Thousands of comments were received to the EA, as well as a petition with 7,000 signatures.</p>
197	Elko County Association of Conservation Districts	<p>j. The entire concept of partial or complete allotment closure is arbitrary and based on DRAs, such as feral horse removal, and methods of drought determination, that are impractical. Other DRA’s such as temporary fencing supplemental feeding and water are cost prohibitive and detrimental to soils and may impact wildlife.</p>	<p>j. Comments noted. However, without more information the Elko District cannot address this comment. See Responses at 4a and 5a.</p>
198	Elko County Association of Conservation Districts	<p>k. We support the modification of grazing based on adaptive grazing management. Moving supplements as well as active management to keep stock out of riparian areas are proven methods that benefit the animals as well as the range and riparian area. Similarly, changing the season of use, number and type of grazers and other forms of adaptive grazing management gives stock owners and land managers options without complete removal of grazing.</p>	<p>k. Comments noted. The premise of this EA is to provide flexibility in management of ungulates on rangelands within the Elko District during drought periods.</p>

Number	Commenter	Comment	BLM Response
199	Elko County Association of Conservation Districts	l. Therefore, the only controllable use on public lands is through reduction or complete removal of livestock. Because of this, the burden of modification of distribution will fall solely on the shoulders of the livestock producers. Is this in compliance with the Taylor Grazing Act?	l. This EA is in conformance with Land Use Plans, FLPMA, NEPA, and all other Federal laws and regulations within the scope of the proposed action (see Sections 1.3 and 1.4 of the EA). Environmental degradation by ungulates during drought is not considered by the BLM to be within the context of multiple use or sustained yield as required by FLPMA.
200	Elko County Association of Conservation Districts	m. In conclusion, while guidance is essential for communication with allotment permittees and field staff as well as providing a mechanism for quick response to conditions, there are too many variable, ambiguous or non-qualified statements that are being used as guides. We encourage the BLM Elko District to open their doors to other cooperative entities and rewrite these documents.	m. Comments noted. However, without more information about which “variable, ambiguous or non-qualified statements that are being used as guides,” the Elko District cannot respond to this comment. The Elko District has and will continue to work with permittees, counties, state agencies, and all interested parties in collaborative efforts to sustain the productivity and health of BLM lands.
201	Libby Racansky	a. Did you ever consider the fact that with climate changes, droughts may become more severe and that the livestock and their water consumption is the main reason why this beautiful and special area suffers? Do you have any good study on climate change that would support your suggestions? It would take years to study this new phenomena to make any conclusions/suggestions. I would appreciate it if you could send me such study.	a. Comments noted. Refer to Sections 3.3 and 4.1 F for more information about climate change in relation to the proposed action of this EA. References are provided at the end of the EA.
202	Libby Racansky	b. I find it appalling that you could even suggest removal of wild horse during the drought. Shouldn't the livestock that is not part of natural landscape be removed or restricted in their numbers? Why not? Wildlife suffers here not due to the wild horse co-existence, but due to the not sustainable farming/herding practices. The invasive and noxious weeds are spread by human activities and their livestock practices. This threats can come in the form of reduced biodiversity, a weakened ecosystem, a higher propensity for soil erosion, increased frequency of wildfires and limited food resources for wildlife (as per EA DOI-BLM-NV-E000-2013-0003-EA, pg. 48).	b. Comments noted. Refer to Responses25k, 69a, and 86b.
203	Libby Racansky	c. I urge you that this EA be revised to immediately revise the "triggers" to include the prioritization of the removal of all livestock in HMAs based on the current annual precipitation in order to mitigate potential harm to wild horses and burros	c. Comment noted. Refer to comments 25k, 69a, and 86b.

Number	Commenter	Comment	BLM Response
		and the rangelands.	
204	Kathy Gregg	<p>a. The impact of ignoring or bypassing the edict of the law destroys the trust and the integrity of the United States Government. A broad management plan such as this Drought Management EA plan affects the quality of the human environment, individually and cumulatively with other actions in the general area and environmental effects meet the definition of significance in context or intensity and thus an Environmental Impact Study is absolutely required for this proposed Drought Management EA. The NEPA process requires that all available and relevant scientific material be available to the public and the decision-makers and considered during the decision process.</p>	<p>a. Comments noted.</p>
205	Kathy Gregg	<p>b. BLM knows quite well that any “Drought Management EA” is a pre-planned maneuver to rid the public land of any and all non-game wildlife including Wild Horses and Burros from their designated and legal land and to further the public land and public water use designation to other “multiple uses”. Who in your office is qualified to make the decision that there is a drought and using exactly what criteria will this person make that decision?</p>	<p>b. Refer to Responses at 17a and b; 22g; 25k; 35m, n, o, p, and q; 46b; 48g; 61ee; and 62ff.</p>
206	Kathy Gregg	<p>c. What is Drought? Drought Occurs When Human Demand for Water Exceeds the Available Supply (excerpts) Say “drought,” and most people think of a period of hot, dry weather with too little rain. While that condition can be present during a drought, the definition of drought is really more subtle and complex. Drought is not purely a physical phenomenon that can be defined by the weather. Rather, at its most essential level, drought is defined by the delicate balance between water supply and demand. Whenever human demands for water exceed the natural availability of water, the result is drought. What Causes Drought? Drought can be caused by too little precipitation (rain and snow) over an extended period, as most people assume, but drought can also be caused by increased demand for the available supply of usable water. Another factor that can affect water supply is a change in water quality. If some of the available water sources become contaminated--either</p>	<p>c. Comments noted. See Section 1.1 of the EA for the definition of drought as it is related to proposed action of this EA.</p>

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		temporarily or permanently--that decreases the supply of usable water, makes the balance between water supply and demand even more precarious.	
207	Kathy Gregg	<p>d. What are the Three Types of Drought? There are three conditions that are generally referred to as drought: Meteorological drought—This type of drought is about the weather and occurs when there is a prolonged period of below average precipitation, which creates a natural shortage of available water. Agricultural drought—This type of drought occurs when there isn't enough moisture to support average crop production on farms or average grass production on range land. Hydrological drought—This type of drought occurs when water reserves in aquifers, lakes and reservoirs fall below average. Again, hydrological drought can happen even during times of average or above average precipitation, if human demand for water is high and increased usage has lowered the water reserves. http://environment.about.com/od/environmentalevents/a/what_is_drought.htm What definition will the BLM be using to decide there is a drought? Will there be “levels” of drought and if so will there be corresponding “levels” of drought management and if so what BLM actions will those “levels” trigger? (see below) Description Criteria</p> <p>D0 Abnormally Dry Going into drought: short-term dryness slowing planting, growth of crops or pastures; fire risk above average. Coming out of drought: some lingering water deficits; pastures or crops not fully recovered. Palmer Drought Index -1.0 to -1.9 Standard Precipitation Index -0.5 to -0.7 Percent of Normal Precip. <75% for 3 mo. Satellite Vegetative Health Index 36-45 CPC Soil Moisture Model 21-30% U.S. Geological Survey (USGS) Weekly Streamflow 21-30%</p> <p>D1 Moderate Drought Moderate drought Some damage to crops, pastures; fire risk high; streams, reservoirs, or wells low; some water shortages developing or imminent; voluntary</p>	d. Comments noted. Refer to comments 51k and 206c.

Number	Commenter	Comment	BLM Response
		<p>water use restrictions requested. Palmer Drought Index -2.0 to -2.9 Standard Precipitation Index -0.8 to -1.2 Percent of Normal Precip <70% for 3 mo. Satellite Vegetative Health Index 26-35 CPC Soil Moisture Model 11-20% USGS Weekly Streamflow 11-20%</p> <p>D2 Severe Drought Crop or pasture losses likely; fire risk very high; water shortages common; water restrictions imposed. Palmer Drought Index -3.0 to -3.9 Standard Precipitation Index -1.3 to -1.5 Percent of Normal Precip <65% for 6 mo. Satellite Vegetative Health Index 16-25 CPC Soil Moisture Model 6-10% USGS Weekly Streamflow 6-10%</p> <p>D3 Extreme Drought Major crop or pasture losses; extreme fire danger; widespread water shortages or restrictions. Palmer Drought Index -4.0 to -5.4 Standard Precipitation Index -1.6 to -1.9 Percent of Normal Precip <60% for 6 mo. Satellite Vegetative Health Index 6-15 CPC Soil Moisture Model 3-5% USGS Weekly Streamflow 3-5%</p> <p>D4 Exceptional Drought Exceptional and widespread crop or pasture losses; exceptional fire risk; shortages of water in reservoirs, streams, and wells, creating water emergencies. http://www.lawrencevilleweather.com/drought.html#desc Read an explanation of the drought intensities and what they mean.</p>	
208	Kathy Gregg	<p>e. Any proposed EA for Drought Management must include ALL of the uses in the district that use any water and any land use, including surface and sub-surface. I request that the public and the decision makers take a hard look at the facts and I offer some to you today that negate any reason for this drought management plan to even be considered I list below some of the Evaluation of Potential Proposed Action Cumulative Impact data and information that must be supplied in the proposal:</p>	<p>e. Comment noted. Refer to 3.1 of the EA for more information about supplemental authorities that have been identified as being affected by the proposed action of this EA.</p>

Number	Commenter	Comment	BLM Response
		<ul style="list-style-type: none"> - Purpose and Need for action including historical ten-year precipitation chart of the Elko District. - Detailed proposal actions, reasons and issues - Affected Environment and Environmental Consequences. - Location including accurate maps that clearly show the public and the decision makers all uses of our public land (grazing allotments, mining, geothermal, etc.) - Existing manmade activities and facilities on public land. - Link to the current Elko Resource Management Plan (RMP) - Relevance to the current Elko RMP - Alternatives to the Proposed Action - No Action Alternative - Environmental Consequences - Visual Resources - Soil Resources - Vegetation Resources – including seeding with nonnative species - Vegetation Resources – including applications of herbicides (list all) - Wetlands and Riparian Areas - Livestock Grazing - Wildlife – game species - Wildlife – non-game species (including wild horses) - Land use re-designation possibilities - Recreation - Wilderness Study Areas - Socioeconomic effects - Hazardous Materials - Historic Trails - Cultural Resources - Native American Traditional Values - Paleontology - Wildlife and Fisheries - Transportation and Public Access - Forest Products including Juniper and Pinyon - Cumulative Impacts and Irreversible/Irretrievable Commitment of Resources - Wildland Fires, Fuels Management, and Reseeding - Habitat Stabilization, Rehabilitation 	

Number	Commenter	Comment	BLM Response
		<ul style="list-style-type: none"> - Wild Horse Management - Sensitive Species – Animal - Sensitive Species - Vegetation - Water Resources - Water Quantity: Environmental Consequences - Water Resources - Water Quality - Water Resources - Affected Environment - Water Resources – Availability for public uses (wildlife, recreation etc.) vs. private (livestock, mining) - Mineral Development - Oil, Gas, and Geothermal Leasing and Development - Air Resources - Public Review Period and Review Procedures - List of Preparers - Third Party Contractors - Cooperating Agencies - Relationship and definition of Short-Term and Long-Term Proposal - Past, Present, and Reasonably Foreseeable Future Actions 	
209	Kathy Gregg	<p>f. An EA must consider alternatives that would mitigate any need to remove any or all of the horses both temporarily or permanently and must provide the following specific data and a complete analysis of:</p> <ul style="list-style-type: none"> - Accommodate the present Wild Horse population without removals, making forage adjustments for livestock grazing, if necessary, pursuant to CFR 43 C.F.R. 4710.5(a) - A complete and detailed breakdown of range data, including data distinguishing wild horses from livestock and wildlife impacts must be given to the public and the decision-makers. Without this the EA and any subsequent action will be in violation of the NEPA requirements and thus illegal. 	f. Comment noted. See Response 70 and see the EA again for more information.
210		<p>g. The EA must provide and include accurate and comprehensible data (chart) that shows the number of animals and number of AUMs on any publically owned and legally designated herd area per the 1) the Wild Horses and Burros 2) livestock and 3) foraging wildlife (deer, elk, bighorn sheep, antelope). I realize that the wildlife AUM's are not managed by the BLM but these estimates are available from the Dept. of Wildlife and without this information the public and the decision makers</p>	g. See comments 17a and b, and 45a.

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		cannot possible take a “hard look” at the proposal as is required by the NEPA law. I give this clear illustration and chart (below) as an example of what forage data the BLM must evaluate and the public needs to be informed of in formulating the upcoming Record of Decision.	
211	Kathy Gregg	<p>h. The BLM continues to use the term “thriving ecological balance” but gives no explanation of this term and this phrase could be interpreted in many ways and must be specifically explained in detail to the public within an EA proposal. Webster’s definition of “Balance”: a: stability produced by even distribution of weight on each side of the vertical axis b: equipoise between contrasting, opposing, or interacting elements c: equality between the totals of the two sides of an account.</p> <p>The EA must provide to the public the BLM’s literal definition of “thriving ecological balance”. What are the specific measurements that define the range conditions that the BLM uses that determine a thriving natural ecological balance? Specifics please. 116 IBLA 242</p>	<p>h. See Section 2.3, page 17 of the EA for more information.</p> <p>The phrase “thriving ecological balance” was originally cited in the Wild Free-Roaming Horses and Burros Act of 1971. The Act provides a dynamic definition for a thriving ecological balance that includes input by various qualified scientists in the field of biology and ecology, both within and outside of the federal government. Note that Section 9 of the Act was modified in the Federal Land Policy and Management Act of 1976, and Sections 2 and 3 of the Act were further modified in the Public Rangelands Improvement Act of 1978; showing that the management of wild horses and burros is indeed a dynamic practice.</p>
212	Kathy Gregg	<p>i. In addition, the EA must include a complete analysis and disclosure of:</p> <ul style="list-style-type: none"> • All forage allocations, usage (Animal Unit Months/AUMs) and listing of livestock grazing allotments within the Elko District - both current and annual numbers for each of the past three years to enable valid comparison and analysis. <p>j. A full accounting of all water sources on the range, including an explanation of water allocations for all uses in the Elko District area, as well as how fencing and engineering of wells and springs for livestock grazing has affected water availability for all wild species including non-game wildlife and wild horses.</p> <p>k. All monitoring data for each area, which includes data that clearly delineates the separate impacts of livestock and wildlife including wild horse use.</p> <p>l. Information on predator-killing activities within the Elko District for each of the past three years and analysis of how these activities impact the Thriving Natural Ecological Balance in the Elko District.</p>	<p>i. Comment noted. All decision associated with this EA will be site specific and will illustrate all applicable information. See Section 1.1 of the EA for the purpose and need section. Also, see comments 17a and b, and 45a.</p> <p>j. Outside of the scope for this EA.</p> <p>k. Outside of the scope for this EA.</p> <p>l. Outside of the scope for this EA.</p>

Number	Commenter	Comment	BLM Response
213	Kathy Gregg	<p>m. I fully expect that the BLM will realize the importance and will provide the level of detail described above, which is necessary for informed decision making. I further expect that the BLM will provide a full accounting of how many members of the public submit comments on this upcoming EA and what their positions are, as the agency is legally required to do under the National Environmental Policy Act. While documentation is not the end of the NEPA process, it is important that a reasonably good job of communicating the purpose and need of the project; the values used to develop and compare alternatives; the results of [accurate] analysis for direct, indirect impacts, and cumulative impacts; and mitigation as required by relevant regulation. It provides [accurate] evidence to the public and participating agencies [showing] a commitment to, and satisfaction of the NEPA requirements. Environmental documentation must communicate clearly [and accurately] the results of project analysis and the subsequent decisions.</p> <p>http://www.environment.fhwa.dot.gov/projdev/qaimpact.asp</p>	<p>m. Comments noted.</p>
214	Kathy Gregg	<p>n. Since the range conditions will continually change over the next years, the BLM and the public must be kept abreast of the changes and the ongoing current conditions of the range before future drought actions can be considered legal. At its most basic level, NEPA requires that the decision-maker, as well as the public, be fully informed, i.e., "that environmental information is available to public officials and citizens before decisions are made and before action is taken." 40 C.F.R. § 1500.1(b). NEPA ensures that the agency "will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger [public] audience." Robertson v. Methow Valley Citizens Council, 490 Perhaps I overlooked this information, but what is the end date of this proposal or is this an open-ended "blank check syndrome" policy put together by the BLM to do whatever they want, whenever they want for as long as they want for whomever they want? Is this a temporary proposal or permanent proposal? The exact time limit that this proposal will cover must be included in the EA.</p>	<p>n. Comments noted. See Section 1.0 of the EA for the purpose and need section. All decisions associated with this EA will be site specific. All interested parties will be invited to collect data with the BLM during drought monitoring, using the Drought Monitoring Worksheet located in the Drought Mitigation and Monitoring Plan (Appendix 1).</p> <p>The Elko District considers the proposed action to be in full compliance NEPA and CEQ regulations.</p>

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		<p>At its most basic level, NEPA requires that the decision-makers, as well as the public, be fully informed, i.e., "that environmental information is available to public officials and citizens before decisions are made and before action is taken." 40 C.F.R. § 1500.1(b). NEPA ensures that the agency "will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger [public] audience." <i>Robertson v. Methow Valley Citizens Council</i>. This must be available and analyzed in the final EA before a Record of Decision or Finding of No Significant Impact can be completed or published.</p>	
215	Kathy Gregg	<p>o. Our public lands must be managed for all citizens, not just local ranchers and hunters and miners other multiple-use users. It is time for BLM to stop “business as usual” steam-rolling the public and begin to manage our public lands and public resources for all Americans.</p>	<p>o. Comment noted.</p>
216	Kathy Gregg	<p>p. In summary, the public is invited and has the responsibility to review and make recommendations before any decision is made by BLM and it is my request as well as the responsibility of the BLM to supply the public with adequate and accurate information, scientific research and realistic options. This is the main purpose of this letter and without BLM’s willingness to supply complete, accurate and non-politically driven information and to review all scientific and logical information provided to the agency; any proposed EA or decision will be illegal.</p>	<p>p. Comment noted. Interdisciplinary team members have evaluated all comments and proposals submitted to the BLM in regards to this EA.</p>
217	Kathy Gregg	<p>q. The BLM's stated mission is to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations. I appreciate the opportunity to participate in the planning decisions on our public lands and wish to leave you with this quote by Ralph Waldo Emerson, “What you do speaks so loud that I cannot hear what you say”.</p>	<p>q. Comment noted.</p>