



EUREKA COUNTY BOARD OF COMMISSIONERS

J.J. Goicoechea, Chairman ♦ Jim Ithurralde, Vice Chair ♦ Mike Sharkozy, Member

PO Box 694, 10 South Main Street, Eureka, Nevada 89316

Phone: (775) 237-7211 ♦ Fax: (775) 237-5212 ♦ www.co.eureka.nv.us

February 14, 2014

Tony Wasley, Director
Nevada Department of Wildlife
1100 Valley Road
Reno, NV 89512

RE: Espinosa/NDOW comments on Greater Sage-Grouse DEIS

Dear Mr. Wasley:

To say the least, we are very disappointed in the letter from the Nevada Department of Wildlife (NDOW), dated January 29, 2014, providing comments on the *Nevada and Northeastern California Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impacts Statement* (DEIS). Below, we have a number of concerns and questions that require your attention and response.

The letter was signed by Shawn Espinosa, Wildlife Staff Specialist, on behalf of NDOW. Was Mr. Espinosa representing the views and opinions of NDOW? Were the comments prepared solely by Mr. Espinosa? In the MOU between BLM and NDOW for the DEIS process, who was designated to speak on behalf of NDOW? Does Mr. Espinosa's job description provide him the authority to speak on behalf of NDOW in comments as high-level as those on the DEIS? Did you review and approve of the comments before they were submitted? If so, why did you not sign the letter as the Director? Regardless of the process that occurred, the letter conveys a cavalier and poisoning tone, creates a theme of conflict, and takes a position that is antithetical to the efforts being pursued by the State of Nevada through the Sagebrush Ecosystem Council and various local government entities.

Of primary concern is that the letter and comments explicitly support the agency preferred Alternative D and actually requests more restrictions, especially related to grazing, to be added. The letter notes that the comments are written to "bolster the agencies preferred Alternative D" through incorporation of "best existing ideas and content from all alternatives." By making these statements, NDOW is off-base in its belief that picking from the "menu" of management options already in the DEIS across the various alternatives is truly the best existing information. The comments provided by the Sagebrush Ecosystem Council, other State entities, including counties, and industries on the DEIS have highlighted the lack of incorporation of the best available science and research and the overuse of the questionable NTT and COT reports.

Mr. Espinosa's letter is drenched in a tone of anti-grazing and mischaracterizes grazing impacts by cherry-picking the available science and misrepresenting the data in the DEIS, even more egregiously than the DEIS itself. The comments seem hung up and focused in particular to Table 3-31, based on the many times it is referenced. The comments, over and over again, focus on a figure of 23% of all allotment acreages with completed determinations meeting rangeland health standards. The comments then go on to place all blame on livestock management. However, never in the comments does NDOW reference

that of the 77% not meeting the standards, 25% have livestock grazing as not a causal factor, 22% note “possible grazing conflict” (not a causal factor) and the remaining 30% have livestock grazing as a causal factor, where, it is important to note, that grazing was determined to be a factor, but not the sole factor. In other words, of all the allotment acreages evaluated, only 30% have definitively (by BLM methods) stated livestock grazing as one of many causal factors. The NDOW/Espinosa letter complicates and misrepresents the matter in a way that provides and promotes negative bias against livestock grazing as the overwhelming rangeland health issue, which we argue is not.

Regarding meeting of rangeland health standards, we agree with NDOW’s letter on one point—BLM has not properly determined the extent of allotments meeting or making significant progress towards meeting rangeland health standards. However, we argue that of those allotments that have evaluations completed, many are not based in rangeland science, the results are not defensible, and grazing is cited as the causal factor when it is often not the case. This is supported by a study commissioned by and prepared for the Eureka County Natural Resources Advisory Commission, “Consistency Analysis of Rangeland Health Evaluations Affecting Eureka County” (Synergy Resource Solutions, 2007). The study analyzed four recent BLM rangeland health assessments involving five separate allotments. The study concluded the following:

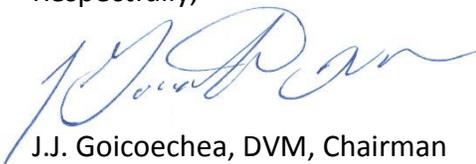
- BLM data and analysis were severely limited by the quantity and quality of monitoring data resulting in BLM decisions being not generally defensible.
- BLM’s determination of whether Rangeland Health Objectives (including Standards) were met were inadequate due to lack of quality data and analysis.
- Carrying capacity calculations were flawed.
- Changes in season-of-use may reach BLM’s desired result, but the outcomes were not clear or measurable and were overly restrictive (i.e., the same result could be achieved without the heavy-handed grazing restrictions).
- BLM determinations of Causal Factors are very often not based on quantitative data, but instead “field observations.” BLM often cited livestock grazing (historic and current), wild horse and burro grazing, and drought as causal factors. However, other causal factors, other than grazing and drought, were not contemplated. The type of data collected made it impossible to determine if recreation, OHV use, dewatering, etc. has any bearing. Management actions nearly always focus on livestock grazing without addressing all factors of influence.

Of great importance is not what is included in the DEIS regarding grazing that NDOW supports, but what was omitted that NDOW fails to recognize. While the DEIS includes a large volume of wildlife science appropriately referenced, much of the current and pertinent literature regarding rangeland and livestock grazing is painfully missing. Specifically, the document and NDOW almost completely lack references on livestock grazing management as related to the functionality and sustainability of sagebrush/perennial herbaceous plant communities and meadows within the sagebrush ecosystem, fuels management, and the benefits of livestock water developments in creating and expanding habitat. Repeated statements in the DEIS continue to assert, and NDOW supports through the comment letter, that grazing can have adverse impacts on herbaceous vegetation and, by implication, sage-grouse. It is not grazing that creates impacts, but undermanaged and/or abusive grazing that is the common thread in the references the DEIS and NDOW cherry-picks or takes out of context. Please refer to the DEIS comments regarding grazing by the Sagebrush Ecosystem Council/State Technical Team and the various counties, particularly Eureka County. The comments reference the omitted research and clarify the mischaracterizations of the references that are included. NDOW’s comments are misplaced by perpetuating the institutionalized assumption that livestock grazing is a threat to Greater Sage-Grouse conservation. Instead, NDOW should start from the proven premise that managed livestock grazing is a benefit for Greater Sage-

Grouse, and the analyses should consider how to further incorporate managed livestock grazing (not prohibition or undue restriction) into the conservation strategy.

We ask you, as the Director, to address this issue by taking an active leadership role, hold accountable your staff responsible for this, retract the comments on the DEIS, clarify that the statements are not the official position of NDOW, and provide assurance that these rogue activities within NDOW do not occur again. We also ask that you commit yourself and your staff to work with the State and local governments and multiple uses of our lands and resources to find a balance that maximizes economic resource use and conservation in tandem. This would require that you provide the leadership and direction to your staff to do what is best for all of Nevada and to break out of the myopic, protectionist, anti-use view and tone. We are concerned that NDOW has and is rewarding behavior that breeds conflict and creates a culture of “conservation equals restriction.” This needs to be resolved. Let us move forward together for solutions and in a common direction, with our economic base industries at the table, rather than allowing “sand to be thrown in the gears” as has happened with the letter signed by Mr. Espinosa.

Respectfully,



J.J. Goicoechea, DVM, Chairman
Eureka County Board of Commissioners

cc: Governor Brian Sandoval
Senator Pete Goicoechea
Assemblyman John Ellison
Sagebrush Ecosystem Council
Jim Barbee, Director, NDOA
Leo Drozdoff, Director, NDCNR