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via email: amarkstein@blm.gov

re: Comments on the DRMP/EIS for the SPRNCA

Dear Ms Markstein:

It's disappointing after all these years to be presented with a document that proposes actions that so obviously don't meet either legal or ecological requirements.

Instead of being based on objective analysis and response to ecological conditions of the SPRNCA, the DRMP/EIS would saddle the riparian area with a number of directives from the agency's state and federal offices that are contrary to (or, at best, severely strain) the legislative intent of Public Law 100-696 and, if implemented, would as a matter of course be detrimental to the natural riparian system the agency is supposed to protect.

Besides conflicting with the enabling legislation, the DRMP/EIS is in violation of NEPA insofar as it does not present, as NEPA requires, an unbiased description of potential alternative management actions for the public to choose among, but instead, not inadvertently but persistently, slants the presentation toward acceptance of the agency's preferred alternative and away from other alternatives, in particular away from the so-called "light on the land" Alternative D, the alternative which would come closest to the legislative intent, which is caricatured throughout the document as depriving the agency of adequate tools to accomplish generally desirable goals of fire management, habitat and species restoration, etc. This ubiquitous slanting works against the public's right to a clear objective view of the environmental condition of the SPRNCA and the agency's options for addressing it.

The Establishment Clause

As the DRMP/EIS clearly states, and BLM staff have reiterated in several public meetings, the establishment clause of the enabling Act says that the SPRNCA is established "in order to protect the riparian area" and its associated natural resources; and, a few paragraphs later, that the Secretary of Interior shall manage SPRNCA in a manner that "conserves, protects, and enhances the riparian area" and those associated aquatic, wildlife, archaeological, paleontological, scientific, cultural, educational and recreational resources (which are not independently-existing

extractable resources but integral/intrinsic to the natural riparian resource).

Then (again as the DRMP/EIS states and staff have frequently quoted) the law says that “the Secretary shall only allow such uses. . . as will further the primary purposes for which the conservation area is established” — which is, as per the establishment clause, “to protect the riparian area.”

Similarly, the BLM’s own rules on National Conservation Areas (NCAs) prioritize protection of the primary resource. As the NCL 2016 Policy Manual Sec.4 says, pursuant to the Omnibus Public Lands Management Act of 2009, “BLM shall ensure that the components of the NCLS are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values” (<https://conservationlands.org/documents/2016/03/2016-policy-handbook.pdf>).

According to the agency’s 2010-2025 National Landscape Conservation Strategy (<https://www.blm.gov/documents/national-office/public-room/strategic-plan/national-landscape-conservation-system-15-0>), the explicit overarching purpose of all NCLS units, consistent with enabling legislation is “to conserve, protect, and restore natural and cultural resources as the prevailing activities within those areas, shaping all other aspects of management.” To that end, NCLS “managers will focus on conservation as the primary consideration in planning” (<https://www.blm.gov/programs/national-conservation-lands/about>). Extrapolated onto the SPRNCA website this becomes “the primary purpose is to protect and enhance the desert riparian ecosystem.”

Yet, contrary to these express purposes and explicit directives, the agency proposes to open the fragile SPRNCA ecosystem to increased use that is the opposite of protective. In fact, the stated goals of the DRMP/EIS are contrary to the purpose of the enabling legislation insofar as their focus is *use* not protection. The ramifications of this privileging of use over protection permeate the DRMP/EIS, not only in proposals for major changes in current management, but in more subtle slanting of ostensibly impartial presentation of the four management alternatives.

Part of this contradiction may stem from confusion of the SPRNCA’s primary purpose with the managerial purpose of the agency (a confusion exacerbated by the variety of NCL wordings for purposes, mission, goals, etc.). The DRMP/EIS repeatedly cites the enabling Act to the effect that “the primary purpose” of the SPRNCA is to “conserve, protect, and enhance the riparian area and the aquatic, wildlife, archaeological, paleontological, scientific, cultural, educational and recreational resources” (which the agency calls “conservation values”); but in fact, this triune directive pertains not to the primary purpose of the SPRNCA but to the agency’s charge in managing it.

Although perhaps semantic, this confusion of the SPRNCA with the agency’s own functions and goals, and the confounding of the agency’s mandate to provide protection, conservation and enhancement of SPRNCA resources with their increased use, are evidently deliberate and

ideological, consistent with policy decisions of the current Administration to decrease public input to agency decision-making and to increase commodity production on public lands nationwide (cf. <https://bespacific.com/secretary-zinke-and-the-great-public-lands-wholesale>).

Like so much coming from the current Administration in regard to public resources, the DRMP/EIS is largely about privatization and commodification. It would reduce the natural resource values of the riparian area to market terms (e.g., the nearly opaque notion of “ecosystem services” in the bureaucratic econo-babble jargon of the DRMP/EIS section on socio-economic effects, 3-155/160), rather than recognize them as values in themselves.

For instance, instead of protecting the recreational resource from (sad-to-say) well-documented detrimental effects of excess human traffic, the DRMP/EIS under Alternatives B through D would manage the SPRNCA for “Extensive Recreation Management” (Table 2.5.12, 2-38; cf Table ES-2, p.ES-6), thereby drastically increasing human traffic in all parts of the SPRNCA, in effect “loving it to death” (cf AMS 1-7, where the agency recognizes this threat in exactly these terms). BLM pretends that enhancing the value of the recreational resource means increasing the number of recreationists when it is obvious to any unbiased observer that the “recreational resource” is neither people nor the use they make of it, but the natural system itself which is already over-stressed by tourism. This semi-semantic confusion is inadvertently highlighted at the very start of the DRMP/EIS, when the Introduction (1-1) in extolling the virtues of the SPRNCA seems to give numbers of “birders” attracted to the area equal importance with the diversity of bird species. (Similarly, the “educational resource” and “paleontological resource,” etc. are not their students/scholars.)

The BLM tries to justify its use-fetish by reference to the Federal Land Policy and Management Act of 1976 (FLPMA, the BLM “Organic Act”), which sets multiple-use as the agency’s default principle, but the SPRNCA law was written twelve years after FLPMA; in drafting it we were well aware of FLPMA and (as BLM staff has repeatedly recognized in public meetings) specifically intended the SPRNCA to escape multiple-use requirements yet be in accord with the concomitant FLPMA directive for public lands management that “preserves and protects, where appropriate, certain public lands in their natural condition” (B-6), and in recognition of FLPMA 302(a) which says that public lands shall be managed for multiple use “except [where]. . .such land has been dedicated to specific uses according to any other provisions of law it will be managed in accordance with such law.”

The SPRNCA has been so dedicated, and as the enabling Act says, SPRNCA management shall be guided by FLPMA only “where not inconsistent” with the conservation, protection and enhancement of the riparian area and its resources. Grazing, hunting, trapping, converting thousands of acres to palatable grasses, building more miles of roads and fences, heavy recreational access, and refusal to designate and manage wildlands as such, do not satisfy this criterion. In no way can grazing and expanded recreational uses, including hunting and trapping, be understood as *furthering* the primary purpose as required by law. Grazing and human traffic are not natural resources or conservation values. The SPRNCA’s purpose is singular, not

multiple: to “protect”, period.

Grazing

This contradiction between legislation and management is particularly blatant in regard to grazing. It is often said that the SPRNCA system is one of the most scientifically-studied pieces of real estate in the US, a kind of relict ecological system holding onto something of its pristine past. As the agency recognizes, for years study after study has shown the detrimental effects of livestock on southwest landscapes, and studies specific to the SPRNCA (some commissioned by BLM) have shown that removal of cattle and removal of livestock-inspired vegetation management have led to unexpectedly rapid and fulsome recovery of the riparian system (eg, David Krueper et al, Response of Vegetation and Breeding Birds to the Removal of Cattle on the San Pedro River, Arizona [U.S.A.], *Conservation Biology* 17[2] [April 2003]: 607–615, a study whose findings are cited in AMS 2-82).

Scoping for the DRMP/EIS identified the issue of “At what level and where can BLM manage livestock grazing on the SPRNCA while furthering the primary purposes for which the conservation area was designated?” (ES-3, 1-7). The correct answer is, nowhere and never. The DRMP/EIS, however, undertakes to evaluate “the effects of livestock grazing on the SPRNCA. . .to determine where and how livestock grazing could be compatible with the values of the NCA” (1-3). The correct straightforward answer (based on decades of studies documenting grazing-related rangeland deterioration, on personal experience and on common sense) is: they are not compatible.

You will recall that at one of the public meetings in Sierra Vista, when I asked Scott Feldhausen if the Secretarial Order on hunting (SO 3356, 15 September 2017) he had just mentioned was referenced in the DRMP/EIS, he said that it was; but then, after the agency’s power point presentation when it was pointed out to him that a search of the digital document showed it was not, he said it must have arrived too late for inclusion. You will also recall that at the same meeting when I asked you where in the DRMP/EIS was it shown that livestock complied with the legislative purpose of protecting the riparian area, how grazing was in any way “good” for the SPRNCA, you replied that information would be found in Chapter 3. Of course, it isn’t, nor is it in any other part of the document, not could it be, since grazing in fact is incompatible with that purpose.

Yet the agency’s preferred Alternative C would allow grazing on nearly half the total acreage of the SPRNCA (thereby in effect setting up an experiment to test for compatibility [ES-2, 1-2], an experiment that far exceeds the NCL concept of *in situ* ecological laboratories). For example, Alternatives B and C would continue grazing on existing grandfathered allotments already in poor to middling states of ecological health (Table 3-16, 3-36/38) and attempt with “vegetation treatments, BMPs, and adaptive management” to “minimize and reduce adverse impacts on vegetation” (3-36/38).

Championing Adaptive Management (AM) seems to be the DRMP/EIS alternative to citing specific proofs that grazing meets the protective purpose of the SPRNCA. The experimentalism of the DRMP/EIS proposed action is made clear in the glossary (Glossary-1), where AM is described as a learn-as-you-go on-the-job-training type of process), and throughout the external Technical Guide where it is repeatedly insisted (defensively, it seems) that AM, while particularly concerned with the uncertainties of resource management, “is not a ‘trial and error’ process, but rather emphasizes learning while doing” in a step-wise, stakeholder-involved “learning-based process.” In distinguishing between passive and active AM, the Technical Guide also notes (p.59) that “in Active adaptive management, Decision making involves the active pursuit of learning, either through experimental management that focuses directly on learning, or quasi-experimental management that focuses simultaneously on learning and achievement of management objectives. Both approaches. . .are included under the rubric of ‘management by experiment.’”

And note that in regard to the existing SPRNCA allotments, the AM goal is not to “correct” the problem, but to experiment with various means to “minimize and reduce” it (3-38), though the means to restoration to a healthy state is noted a few lines later: “resting areas in poor land health from livestock grazing [as under Alternative D] would help increase land health and move vegetation communities toward HCPC or PFC.”

The DRMP/EIS grazing proposal presents a number of contradictory management goals and options. For instance, under “Vegetation Resource Management” (B-10), the DRMP/EIS says rangeland “plant communities will be managed to protect, improve, and restore communities to provide wildlife habitat and non-consumptive use.” This management directive is directly contrary to the proposal for expanded grazing—especially in important scrub and semidesert grassland communities where proposed conversion from natural to “palatable” species cannot but conflict with protection and non-consumptive use.

It would ordinarily be thought to conflict with restoration too, but by means of a linguistic sleight-of-hand, the DRMP/EIS bills vegetation management itself as “restoration.” It provides no evidence that such treatments actually do restore or improve wildlife habitat, and many studies indicate that they do exactly the opposite (eg, Allison James et al, Mechanical Treatment of Pinyon-Juniper and Sagebrush Systems in the Intermountain West: A Review of the Literature, 2013).

In a similar vein, the DRMP/EIS says (B-10) that “Riparian areas, floodplains, and wetlands will be managed to protect, improve, and restore their natural functions to benefit water storage, groundwater recharge, water quality, and fish and wildlife values. All management practices will be designed to maintain or improve the integrity of these high priority values.” And under “Priority Wildlife Habitat and Species Management” (B-9), the DRMP/EIS says management “will not jeopardize the continued existence of federally listed threatened or endangered plant or animal species or destroy or adversely modify critical habitat.” But these imperatives simply cannot be accomplished with the proposed expansion of grazing; as the DRMP/EIS notes in

passing (C-2), “trespassing livestock” are already a problem in the St. David Ciénega (see 3-20 where it is noted that Alternative D would improve water quality by eliminating livestock [now present] within the riparian area”); and it is well-known that broken fences frequently occur elsewhere in the SPRNCA. Furthermore, the preferred alternative would set aside 7.4 acre-feet of groundwater per year for livestock use (Table 3-8, 3-17), hardly compatible with “management. . .to benefit. . .groundwater recharge.”

Grazing presents a number of other explicit management conflicts on the SPRNCA. For instance, while an increase of palatable grasses is proposed to benefit ranchers at the expense of brushy vegetation, the potential for wildfire, a major concern in a SPRNCA increasingly encroached upon by human residences, would likely be increased. As the DRMP/EIS correctly notes, “reduction in grasses may result in decreased potential for fire ignition and spread, due to a lack of fine fuels” (3-64), but “removal of shrub communities in favor of grasslands could. . .result in long-term increases in fine fuels, which may increase the potential for fire spread and increased fire size” (3-66).

And of course, neither bird watchers nor wildlife enthusiasts nor backcountry hikers are looking for, or are overjoyed to find, a cow or its residual effects. More weight should be given in the DRMP/EIS economic analysis to the negative effect of cattle encounters on typical SPRNCA “customer” satisfaction.

Although the DRMP/EIS repeatedly refers to the Land Health standards and guidelines as some kind of assurance that that cattle are not an ecological menace, it also finds that although “fundamentals of rangeland health” should “address ecological components that are affected by all uses of public rangelands, not just livestock grazing,” that the final BLM (BLM 1997) standards and guidelines “are limited to grazing administration” (H-1). Furthermore, to date the agency has applied those standards not to all the areas it would open to grazing but only to the four grandfathered allotments. The final RMP/EIS should specify that the agency will go beyond its truncated 1997 standards and guidelines to establish and seek to meet viable parameters for health of all SPRNCA rangelands, not just those proposed for or currently subject to grazing; and should certainly apply those standards and guidelines to any lands before grazing is permitted, in the event that contrary to these comments and the law the agency decides to allow grazing.

In defense of its grazing proposal, the DRMP/EIS makes an almost ludicrous feint toward socio-economic justification. For example, it says (3-159) that under Alternatives B and C grazing on the SPRNCA would “support continuing this way of life [ie, ranching] in the planning area [and] reduce chances of ranchers going out of business or reducing grazing operations,” but “Alternative D would result in. . . . [l]osses of livestock grazing jobs and lifestyles [and] constitute a negative impact on traditional lifeways and other nonmarket values in the region”).

In an even more feeble effort to justify grazing as a benefit to the riparian area, the DRMP/EIS notes that “In some cases, soil compaction aids in plant establishment and growth” and that “livestock hoof action can also improve soil health. . . . Soil surfaces can become pocked from

animals' hoof marks helping to trap seeds and moisture essential for establishing desirable vegetation (3-10). Similarly, the Sect. 2.2.3 says grazing under Alternative C in "upland portions of the SPRNCA. . . would further the area's primary purposes [NB: plural]"; evidently, the pockmarks left by hooves are what is meant and not, for instance, selective brush control by goats (though this, not mentioned in the DRMP/EIS, is a proven method for controlling brush on wildlands throughout the west.)

Originally, in conformance with the law's protection requirements, there was no grazing allowed on the SPRNCA. Several years later, BLM allowed four pre-existing grazing allotments to continue on 6500 acres acquired through a land swap with the State Lands Department. These allotments should have been ended instead of renewed years ago when they first expired. Instead, Alternative C would not only allow the leases to be continued but expand their acreage.

Few would disagree that ranching and ranching families play a significant (and historical) role in the social fabric of Cochise County; or that the livestock industry submits a significant sum to the local economy (to say "fair amount" might be pushing it too far); or that (even allowing for the excesses of cowboy kitsch) cowboy culture continues to inform our communities with a respected mystique. And only few would disagree that the injustices are obvious if a lessee who entered into contract in good faith and met the terms should be evicted by the new owner. It happens all the time in our society at large but the injustice is apparent, and when the new owner is the BLM, the issue of extending vs ending the leases becomes complicated with questions of just compensation, providing equivalent leases on other BLM lands, etc., questions that would seldom arrive in cases of leases between private parties. And the issue gets even stickier when the lessee's family may have held the lease for generations.

Yet it is one thing to avoid the injustices to be incurred when leased land is peremptorily traded out from under the lessee by the previous owner; it is something else to subsidize the livestock industry on grounds that 1) the industry is a major contributor to the county economy, and 2) that the industry constitutes some kind of cultural resource BLM is obligated to conserve, protect and enhance. The latter is simply not so, but rather a stretching of the regulatory category from its historically consistent focus on the past, usually the prehistoric past, a focus which defines "cultural resources" as "concrete, material places and things" (BLM Manual, Foundations for Managing Cultural Resources, Rel. 8-72 (2004), <https://www.blm.gov/sites/blm.gov/files/Manual%20-%20Foundations%20for%20Managing%20Cultural%20Resources.pdf>). The former is merely special pleading for the economic interests of a special private interest.

In fact, if the prohibition on grazing were continued, the economic and social impact countywide would be slight, as it has been. The presence or absence of grazing on the SPRNCA has almost no effect on the continuance of the ranching lifestyle in the area. The DRMP/EIS economic analysis is incomplete and unconvincing on these points and here as elsewhere, the bias in favor of the livestock industry is overt. For example, while it may be true, as is commonly said, that all small operators in the livestock business (ie, typically those with under 2000 acres) are

economically marginal, the industry's assertions and the agency's apparent agreement that the four SPRNCA ranchers (whose operations are not identified as to large or small) would be forced out of business if they lost their leases is questionable on several grounds. For instance, neither the AMS nor the DRMP/EIS adequately explains the figures they present (e.g., ARS Table 3-46, 3-99; ARS Table 2.4.3), which indicate that at least some of the four ranchers have sufficient non-SPRNCA grazing land to not suffer financial disaster if their leases were ended (as is to be expected in light of the Base Property Requirements for BLM lessees, which all four ranchers meet, including that "the [base property] must have the capability to produce crops or forage that can be used to support the livestock authorized for a specified period of time").

Although the ranching industry may have some efficacy in providing some sort of bulwark against the fatal disease of subdivisions (and contribute to Ft Huachuca's Sentinel Landscape goals, there should be no grazing on the SPRNCA, certainly no new areas opened up, and whatever decision the BLM eventually makes regarding the four SPRNCA allotments, the final RMP/EIS should at least prohibit transfer of the leases to third parties and set a date certain when the existing leases will expire.

Vegetation Management

The DRMP/EIS is principally about Vegetation Management. Although it refers (3-155) to "a lack of proposed large-scale vegetation treatment" under all alternatives, Table 2.5.4 directly contradicts this assertion, indicating that under all alternatives (even Alternative D, the so-called conservation or "light on the land" alternative) BLM would potentially manipulate existing vegetation with heavy equipment and/or herbicides on over 40,000 acres of the riparian system uplands, some 70% of the total SPRNCA, to favor growth of so-called "palatable" grasses, i.e., palatable to livestock. Similarly, it is said (3-67) "vegetation activities [for fire/fuels management] over the life of the plan are anticipated to occur on up to 27,460 acres (40 percent of the planning area)." And again, Table 3-15, Vegetation Potentially Affected by Vegetation Treatments RFD, indicates that 16,700 acres of upland vegetation would be affected by unspecified vegetation treatments (3-34). Hardly a "lack of. . .large-scale. . .treatment."

Such extensive manipulation, although it may not technically meet the definition of type conversion (palatable grass dominance being, according to the DRMP/EIS, a natural potential for upland systems), nonetheless would be a drastic intervention in the natural ecosystem and effect a dramatic alteration of the habitat of numerous native species. While under Alternatives B and C it would be done explicitly to provide forage for cattle, the DRMP/EIS does not state why it might be done under Alternative D (and it is hard to see why conversion to "palatable" grasses would be done under a no-grazing alternative or for fire management that prefers to reduce fine fuels); but under any alternative, it would constitute a savaging of the SPRNCA's primary purpose.

In regard to Adequacy of Current Management of Upland Vegetation, the AMS notes (4.1.6) that "the current Riparian Management Plan said that "Major vegetation improvement will be through

natural processes.” If there is to be “major vegetation improvement” or manipulation or restoration or whatever it gets called, it should only be done, as per the earlier RMP, “through natural processes,” a desideratum clearly at odds with the DRMP/EIS preferred alternative.

The brush vs grass controversy in the southwest has been going on for well over a hundred years. The DRMP/EIS takes the position that extensive stands of mesquite, acacia and other woody species in the Semidesert Grassland and Chihuahuan Desert Scrub communities are “invasive” species which are unnaturally “encroaching” upon terrain more naturally dominated by forbs, grasses and other more herbaceous species (incidentally favored by livestock). For example, at 3-66 (cf. AMS 2-79), it is noted that return to Historic Climax Plant Community (HCPC) for semidesert grassland means shrub removal, as earlier the DRMP/EIS indicated that woody plant landscapes should be “restored” to grasses (“palatable” implied).

But this is a highly debatable (and debated) position, which the agency cannot defend without a thorough analysis of global climate change and its effects on the SPRNCA (so-called “unnatural encroachment” being seen by many scientists as a natural progression of from herbs to woody plants in response to a warming climate regime). Such analysis is, of course, largely and conspicuously absent from the DRMP/EIS, and the AMS (not in the DRMP/EIS proper, but relegated, as noted above, to a separate website), though it acknowledges climate change, does not present strategies for addressing the changing conditions the AMS cites.

The concern of the DRMP/EIS with species composition (and effects of grazing) in the grass/forb/woody plant interface of the SPRNCA uplands should have been informed by and reflect such findings as that “increasing aridity will reduce the number of herbaceous (and total) plant species within riparian zones. . .and drive shifts from perennial. . .grasses and forbs to annuals” (Stromberg et al, Riparian Vegetation and Ephemeral Streams, *Journal of Arid Environments* [Dec. 2016]). Instead, the DRMP/EIS merely (and arbitrarily) has chosen a species composition model as a restoration benchmark that selects for vegetation favorable to livestock, and a period in history before changing climate conditions and grazing led to increasing shrub presence.

As the agency is well aware, the scientific evidence for climate change and its effects is voluminous and growing (see, eg, Connor Nathan et al, Past and Future Global Transformation of terrestrial Ecosystems under Climate Change, *Science* 31 August 2018: vol. 361, issue 6405, pp.920-923, DOI: 10.1126/science.aan5360). Although the DRMP/EIS does occasionally note potential problems of climate change (eg, at 3-14 regarding shift in rain patterns; 3-62, in relation to the Northern Mexican Garter Snake; 3-64, 3-76 regarding fire regimes; 3-105 re grazing), for the most part it isn’t mentioned in the document but, again as noted, only in the excised AMS and AM sections.

It is interesting to find that unlike that of the SPRNCA, planning for the Las Ciénegas NCA evidently actively addresses climate change. See Jeremy K. Caves et al, Integrating Collaboration, Adaptive Management, and Scenario-Planning: Experiences at Las Ciénegas

National Conservation Area, *Ecology and Society* 18(3), (2013) <http://www.ecologyandsociety.org/vol18/iss3/art43/> (included on the SPRNCA eplanning site), the abstract of which notes that the LCNCA is implementing procedures “to explore how climate change may interact with other drivers and alter options for the future.”

Perhaps by not including the climate data in the DRMP/EIS proper (and in effect ignoring its own AMS), SPRNCA staff has avoided reprimands from DOI headquarters like those suffered by other DOI field offices (eg, cf. Elizabeth Shogrun, 15 September 2018, <https://truthout.org/articles/national-park-officials-removed-climate-change-from-the-report-due-to-sensitivity/>). But the paucity of reference to strategies and proposed actions for response to climate change and the current eighteen-year drought in southern Arizona significantly weakens the credibility of the agency and the effectiveness of the DRMP/EIS.

According to the AMS (4.1.2, Changing Climate Trends), Secretarial Order 3289 (Amendment No. 1; 2010) required that “each bureau and office of the Department must consider and analyze potential climate change impacts when undertaking long-range planning exercises, setting priorities for scientific research and investigations, developing multi-year management plans, and making major decisions regarding potential use of resources under the Department’s purview.” The AMS continued, “With the SPRNCA RMP, BLM Management has the opportunity to fully analyze the impacts of climate trends on the planning area and incorporate those findings into an adaptive management strategy” and noted that “The USDI’s Climate Change Adaptation Plan for Fiscal Year 2013 (ie, before the Trump Administration clamp down) reasserts the needs expressed in the secretarial order.”

Consequently, the AMS recommends (Table 3.1-5, 3-15) that BLM “initiate a study of the effects of climatic changes on vegetation communities as well as on other resources” and (under “Management Opportunities, 4-4) “prepare for climate change (warmer, drier weather and less frequent but more intense storms).” Neither of these recommendations, nor the Secretarial Order, seems to have been followed, or at least I have found no trace of them in the DRMP/EIS.

Wetlands

Similarly, the DRMP/EIS should have taken into account recent documentation that wetlands like the St. David Ciénega and other wetlands on the SPRNCA are not only affected by climate change but are effective sinks for greenhouse gases (cf. Moomaw et al: What the world needs now to fight climate change—more swamps; <https://voxpopulisphere.com/2018/09/34135>).

Arguably, SPRNCA restoration efforts should aspire to the pre-1880s condition of the riparian area when it was characterized by cienégas (3-24; R. Hereford, Entrenchment and widening of the Upper San Pedro River, Arizona, 1993 DOI: 10.1130/SPE282.) and was, according to some, at or near its highest biodiversity levels— ie, the era before the onslaught of beaver extirpation and cattle grazing.

The DRMP/EIS limits the objective of altering riverine morphology to enhance stream sinuosity (and potentially increase number and viability of *ciénegas*) to Alternatives B and C, but reasons for excluding that objective from Alternative D are not explained. It is implied that these benefits could not be achieved with less mechanical methods, but this is not so. Just as erosion control projects could be done of 5000 acres under Alternative D (Table 3.4), so might effective morphology projects. They might take longer than mechanical methods, and require more labor, but in economically challenging times like ours, the agency might do worse than reinstitute its historical role as employer of conservation workers.

Whatever hybrid of alternatives is finally adopted, the highest priority should be given to the St. David *Ciénega* and other wetlands on the SPRNCA, including designation as such of all areas suitable for ACEC status. A priority component of their management should be serious restrictions on public access.

Recreation

Consumptive uses like hunting and trapping are no more compatible with the primary purpose of the SPRNCA than grazing is.

Hunting with firearms is particularly inappropriate in a popular and relatively narrow strip of land like the SPRNCA that includes backcountry and primitive camping and hiking and is flanked by residences. In addition to being a significant safety hazard, it is a source of particularly obtrusive noise (auditory pollution), not just interfering with but in effect negating any sense of quietude or solitude a visitor may have enjoyed; and may confront wildlife enthusiasts in particular with a disconcerting, sometimes visceral and repulsive experience of mayhem and destruction in conflict with the purpose of their visit and some of their deepest values.

The negatives of hunting are multiplied many-fold by trapping, about which in regard to the SPRNCA there seems to be some confusion. You will recall that Scott Feldhausen referred to departmental directives on hunting and trapping at one of the Sierra Vista public meetings, and that in response to my later question to you about trapping you said that “Yes, trapping is allowed on the SPRNCA as per State regulations” and that “Trapping is currently allowed all over the SPRNCA” (email of 7 September 2018). Yet AzDGF prohibits all but non-lethal trapping on all public lands; likewise, the AMS (Current Management Decision, 3-18) says “Trapping is not permitted in the SPRNCA” except for research, etc., and recommends that trapping should not be allowed “in the EIS area except in cases that are determined in consultation with APHIS or AZGFD for administrative purposes.” The AMS prohibition and recommendation should be continued: trapping is inappropriate on the SPRNCA.

The DRMP/EIS (1-2) as noted above, calls for “Extensive Recreation Management” (see Table 2.5.12, 2-38) under Alternatives B, C and D, but the whole notion of “recreation” brings up again the problem of the DRMP/EIS focus on *use* rather than *protection*. The SPRNCA does not exist

for recreational uses any more than for grazing, or for any use other than to go on being a preserve for the natural riparian resource.

The DRMP/EIS generally assumes (e.g., 3-111) that “development on adjacent land will likely increase demand for access in the SPRNCA from these neighborhoods,” and similar assumptions throughout the DRMP/EIS are made without sufficient documentation that demand for recreation will increase. Population in the surrounding county fluctuates and even if it were to steadily increase, increase does not necessarily translate into increased demand. But even if demand is increasing or will, the primary management focus must be on protection not use; demand is not a valid justification for dereliction of purpose. There are enough roads on the SPRNCA already, and more than enough motorized traffic; more should be added only where needed for administrative purposes or to protect sensitive sites from damage by visitors, and bicycle traffic (which can be nearly as destructive as motorized ORVs, should be restricted to designated roads and trails. The BLM’s charge is to protect the resource, not increase traffic.

Slanting and Streamlining

As noted above, while the digital presentation of the DRMP/EIS is convenient for those who are computer-savvy, it is a stumbling block for the many members of the concerned public who are not proficient in that regard or who do not have easy access to the Web.

It seems that two of the more significant flaws in the DRMP/EIS—namely, relegating the AMS and the explanation of AM to an associated website—is a direct result of the departmental directives to the agency to “streamline” the NEPA process, reducing “the size and scale of NEPA documents” (see Secretarial Memo of 27 March 2017, Improving the BLM’s Planning and National Environmental Policy Act Processes; the 31 August 2017 Secretarial Order 3355, Establishing Discipline and Accountability in the Environmental Review and Planning Process for Infrastructure Projects; and the 27 September 2017 BLM Response to Secretarial Memorandum on Improving Planning and NEPA Process and Secretarial Order 3355, p.7), directing staff to spend less time on planning processes and more on “completing work on the ground and creating economic opportunities,” and among other things to limit the length of RMPs and EISs to no more than an unrealistic 150 pp.

No warnings occur in the DRMP/EIS that the extensive AMS and AM texts had been relegated to an external website, so many members of the public were very likely to have missed this valuable information entirely or, like myself, discovered it only very late in the comment process after for some time having been dismayed not to find it in the DRMP/EIS.

Occasional glitches in the DRMP/EIS also suggest undue haste in preparation. For instance, in the passages on Visual Resource Management and Vegetation Resource Management (B-9/10), what appears to be an unfinished cut-and-paste operation (likely from excerpting of BLM Manual 6200 *National Monuments, National Conservation Areas, and Similar Designations* or Manual 6100 *National Landscape Conservation System*): the popping up of “the monument” and

“monument plan” where the SPRNCA is obviously intended; an empty reference referring to “natural communities specified in PL 100-696”; and an obvious grammatical error, all suggest hasty proofreading.

More substantively, as noted above, Table 2.5.4 on Vegetation Management indicates that 40K acres of uplands would be opened to heavy equipment and herbicides under Alternatives C-D in order to privilege “palatable” grasses (a well-known code term for livestock). When I questioned you about this apparent anomaly, you said it was “a mistake,” that no heavy equipment or herbicides would be used under Alternative D, and that you would correct it in the final draft.

Of course, heavy equipment would certainly be allowed under Alternative D for fire suppression and other extraordinary circumstances (and possibly chemicals as well in some scenarios); and correction in the final will not ameliorate the confusion and distress caused by the error in the DRMP/EIS; neither of which points is of major import if the agency plans in any case to propose the DRMP/EIS preferred alternative as its final management choice. However, the question remains, how did a mistake of that magnitude happen in such a prominent position as the table on vegetation management which is, after all, the principal concern of the DRMP/EIS, in a graph specifically intended to show the differences and similarities between the alternatives.

There are many possible answers to that question, but one of the most likely is haste to get the document out under the truncated timelines required by Secretarial directives (cited above) that staff received when the DRMP/EIS was already nearing publication.

Haste makes waste, and in this case may well be illegal. Certainly Sec. Zinke’s “streamlining” of NEPA (a covert strategy for deregulation) is contrary to the spirit and perhaps the letter of the law, which was intended to give the public and all concerned parties sufficient time for due deliberation in understanding and responding to agency proposals like the DRMP/EIS.

As you announced in your presentation to the Cochise County Board of Supervisors (11 September 2018), one result of the DOI streamlining is that, because the agency is now required to issue its final RMP/EIS within one year of filing its Notice of Intent, the County and other public entities will have only four working days to access and comment on the final RMP/EIS. How many other standards for review and comment are affected by the streamlining is not yet clear, nor how much relevant data that might have been disclosed to the public in an unstreamlined process.

For instance, did the uncut DRMP/EIS contain information about the 13,500 acres of disturbed land associated with the Cochise Conservation and Recharge Network projects (Table 3-1, 3-5)? Why should the CCRN, whose projects “involve preserving base flows of the San Pedro River” (3-21) and are supposedly all outside the SPRNCA boundary, “remove vegetation [on 13,510 SPRNCA acres] in the recharge site footprints” (3-39)?

While some information that should have been in the DRMP/EIS in order that the public might

make reasoned analysis and comments can be found in associated websites (as with AMS and AM as noted earlier), the public has no way to know how much other relevant material has been excluded or filed in more or less inaccessible places due to the department-level directives. It may be that such information is being deferred until some future date when BLM proposes specific management actions; or it may be that such actions and the relevant information may never be accessible to the public, having been classified under the Categorical Exclusion label the agency has proposed using more frequently under its streamlining— “vegetation restoration treatments,” for example, which is one of the specific targets of streamlining the 27 September Response (p.8) says should be considered for possible categorical exclusion from NEPA requirements.

In addition to haste, DRMP/EIS is impacted by the BLM’s stated desire to “keep all options open” or “have the full tool kit” at its disposal, which leads to ambiguity, uncertainty, and inability of the public to differentiate between alternatives, and to the impression of bias or slanting in favor of the preferred Alternative C against Alternative D. This impression and the agency bias in favor of resource use frequently manifest in negative presentations of Alternative D, which make it seem less effective than the preferred Alternative C at achieving desirable conservation goals, though in practice the differences between the two might be minimal to nonexistent.

In regard to fire management, the “light on the land” Alternative D approach is typically unfavorably contrasted to Alternatives B and C under which mechanical equipment is routinely used for fire management. For example, the DRMP/EIS says (3-3) that Alternative D “assumes that only prescribed fire would be used as a vegetation treatment” and later in the same chapter (3-67) that “the ability to maintain effective firebreaks may be reduced under Alternative D, where only hand treatments are permitted”; and again (3-68), that under Alternative D there would be a “decreased level” of protection. These contradictory shorthand comparisons (which turn on the ambiguity of terms like “assumes” and “may be”) leave the public reader with the impression that Alternative D would not provide adequate protection. But in fact, under BLM SOP the same methods of fire management would be available as under C and D. The difference is one of emphasis or degree, not kind, and under many circumstances they would be identical.

Similarly, Table 2.5.5.B gives the impression that mechanical or more than minimal passive and manual methods would not be available for restoration of farmland under Alternative D, but this is not so. As the abstract at the beginning of the DRMP/EIS says, Alternative D would “emphasize resource conservation. . .while focusing on natural processes and passive resource management”; it would not preclude the methods of Alternative C, which would utilize “active resource management to minimize impacts.” As usual, the distinction here is one of focus, degree and emphasis, not either-or, but the language and formatting of the DRMP/EIS gives the impression that Alternative D would not “minimize impacts” or, in general, be effective.

Other examples: Table 2.5.5 (2-21) and Table 3.8 (3-61) variously propose reintroduction of the Aplomado Falcon, Gila Chub, Canelo Hills Ladies Tresses, Gould’s Turkey and Burrowing Owl

and other species under Alternative C, but not under Alternative D. No explanation is given as to why the species would not be introduced under Alternative D, and standard goals and operating procedures suggest that in fact they would be; but their absence from the Alternative D columns in the tables gives the impression that they would not be and, consequently, that Alternative C would be better for rare and threatened species.

Another: Table 2.5.4.B.1 (2-16/17), says that the management objective under Alternatives B and C would be to “maintain, restore, or enhance” a number of wetland communities (Table 2.5.4.B.1) in specific ways that are not mentioned under Alternative D; for instance that “bullfrog proof fencing “ would be installed at Dunlevy, Kolbe, Flowing Wells and Curtis Well ponds under Alternatives B and C, but not under Alternative D (Table 2.5.4.D.4). Again, no reasons are given for the differences and it can reasonably be assumed that these actions might, and would, be taken under Alternative D insofar as the actions are desired and since the identified overall wetland management goals and objectives (Table 2.5.4.A, 2.5.4.B) are identical for Alternatives B, C and D.

In some places it is made clear that Alternatives C and D share methods; for example, in regard to vegetation management the DRMP/EIS (3-47) notes that Alternative D would “primarily focus on use of natural processes, hand tools and prescribed fire”; here the word “primarily” implies that under Alternative D the agency would not be limited to these ‘light on the land’ methods, but failure to say so explicitly reinforces the prevailing notion that management under Alternative D would be thus limited.

Often, the distinction between C and D is only that “herbicides” or “heavy equipment” might be used under C but not D. The use of either should be avoided in any case, but minimal use or use in extraordinary circumstances might well be allowed under a conservation alternative that nonetheless “prefers” “light on the land” methods or, in the case of herbicides, allow them only as a last resort after non-chemical methods have proved inadequate, as in standard IPM BMP such as are indicated (3-36) in regard to invasive plant and noxious weed management.

In regard to herbicides, the AMS says that “site-specific environmental analyses has [sic] been prepared for each project proposing the use of chemicals on SPRNCA” (ARS Table 3.1-5, 3-14), but these analyses are not presented in the AMS or DRMP/EIS. They should be in the final, along with identification of the chemicals used.

Wilderness and Wild and Scenic Rivers

The DRMP/EIS, while it more or less shows the potential results of potential management decisions under the four alternatives, fails except in a few cases and in very broad terms to discuss why the agency has chosen one alternative action over another. The agency asks the public in regard to “the adequacy and accuracy of the proposed alternatives” to make an “analysis of their [sic] respective management decisions” in the various management alternatives (see the opening prefatory letter from Scott Feldhausen), but gives no basis except presumed intent and

anticipated results for doing so, a vacancy exacerbated by lack of reference to the AMS. Without an understanding of the reasoning behind the agency's choices, thorough analysis (and informed response) cannot be done.

For example, though the DRMP/EIS recognizes that several areas (four of the six identified by the Citizens Inventory) qualify as Lands with Wilderness Characteristics (LWCs), the agency has chosen under its preferred alternative not to manage those areas in accordance with the LWC classification. The DRMP/EIS offers no reasons for this choice.

Similarly, the agency has recognized that several river segments qualify for Wild and Scenic River classes, and has indicated *which* classes would be designated under which alternatives and *where*, but has not stated *why* the classes would be appropriate under one alternative but not another.

In general, throughout the DRMP/EIS, the only rationale given for agency preferences are non-specific reasons like "x would keep options open," not reasons that indicate how the agency's choice would be better or worse for the primary purpose of the SPRNCA.

The DRMP/EIS does accurately note, however, that management as wilderness would best serve the protection requirement of the enabling legislation (cf, 3-98: "managing. . .to protect wilderness characteristics would retain the areas' roadlessness, naturalness and opportunities for solitude and primitive and unconfined recreation over the long term"). BLM's persistent failure to manage Lands with Wilderness Characteristics as such is shameful. The failure serves not protection and not the public interest at large, but that of ideological and pecuniary desires of a small private interest segment of the public, whose anti-wilderness notions are fed by a number of inaccurate ideas about wilderness management the DRMP/EIS does little to correct—and in fact (as in fact noted above in regard to slanting), the DRMP/EIS reinforces the prejudice by, for instance, leaving the impression that appropriate fire management tools would not be available under Alternative D.

The DRMP/EIS clearly notes that "management actions" for Alternative D in Table 2.5.4 on Vegetation Management (2-13) would allow fire and herbicides in grassland and Chihuahuan Desert Scrub for invasive species, and herbicides and heavy equipment in the riparian community, but Table 2.5.6 on Wildland Fire and Management (2-23) says only that under Alternative D "In areas managed to protect wilderness characteristics. . .the minimum actions needed to suppress a wildfire" would be used, giving the impression that in such areas the minimum actions would be inadequate because they would not include heavy equipment.

The disinformation is explicit in section 3.2.7 on Wildlands Fire and Fuels Management (3-67/68), where the veracity of the text turns on ambiguities in interpretation of the word "restricted":

The ability to apply standard suppression methods would . . .be restricted in areas

where wilderness characteristics are to be protected and Alternative D. Indirect , low-impact strategies and tactics would be applied, which would lead to a higher possibility of allowing a greater [3-68] number of acres to burn in these areas. . . . [and] a decreased level [of protection] under Alternative D due to limitations on methods of treatment.

But these denigrations of Alternative D are misleading (if not deceptive), since BLM Manual 6340 (2012) states explicitly that “under Section 4(d)(1) of the Wilderness Act. . . ‘such measures may be taken as may be necessary in the control of fire.’”

In the final plan, the highest degree of protection available should be given to all the lands in the SPRNCA. All areas identified as eligible for LWC designation in the Citizens Inventory should be so designated and managed accordingly, including the combined “Jaguar” area and adjacent Banning Creek area, which have apparently been inappropriately dismissed due to a deteriorated dirt road. Segments of the San Pedro and Babocomari should be given the most protective classifications they are qualified for. And all areas that qualify for ACEC classification should be so classified and managed.

Sincerely,

Michael Gregory