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RE: Palmerita Allotment Permit Issuance

Sent via the Internet E-planning Portal and via email to adrose@blm.gov and lknighton@blm.gov

Dear Field Manager Dodson:

Wilderness Watch provides these comments on the Environmental Assessment (EA) for the Palmerita Ranch Allotment Np. 00094 Permit Issuance, DOI-BLM-AZ-CO0101-20223-0023-EA. Wilderness Watch is a national nonprofit wilderness conservation organization dedicated to the protection and proper administration of the National Wilderness Preservation System. These comments focus mainly on the designated Arrastra Mountain Wilderness, which would be harmed by issuance of a permit.

Introduction/Background

BLM wants to authorize grazing in the Palmerita Ranch Allotment, over 4,200 acres of which is within the Arrastra Mountain Wilderness. The allotment has not been grazed by cattle since 1996. The EA admits that recovery has been slow, something that is not unexpected for such an area that has so little annual rainfall. Since there is no active permit, no permittee would be affected by adopting the no-action alternative. Further, the EA rejection of analyzing an alternative that closes the area to grazing violates NEPA. The proposed action and other action alternatives all would have negative impacts on Wilderness.

Indeed, cattle grazing is a nonconforming use in Wilderness. While permitted under certain condition, by definition it negatively affects the Wilderness. For example, the act of grazing domestic livestock, including the infrastructure imposes a human will on the Wilderness – grazing infrastructure, especially fences, trammels the Wilderness. These human impacts detract from wilderness conditions. The negative impacts are

inconsistently analyzed in the EA. Some impacts to Wilderness are discussed in the section on Wilderness (though often inadequate), there is also a discussion of impacts, sometime the same ones, in various other sections (also often inadequate), and yet others are omitted entirely.

There is a potentially troubling statement in the EA regarding the Kingman RMP of 1993. It states the RMP allocated the Wilderness as closed to OHVs. This suggests that the area was not closed to vehicles until 1993. The Wilderness was closed to vehicle use upon designation by Public Law 101-628 in 1990. This should be clarified.

The Palmerita Allotment status needs to be clarified. Information Wilderness Watch received from the BLM in 2016 states the allotment is permitted. That is clearly not the case. Further, nowhere in the EA does it state that the allotment is vacant.

Of the options analyzed, only Alternative E would cause no additional harm to the Wilderness. We urge you to adopt that alternative with modification that the allotment be closed.

Wilderness and the EA

The EA states regarding the proposed action in Wilderness:

The Wilderness Act, Section 4(d)4(2) states: “the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the BLM.” Per section 1.2 above, grazing has been a permitted use on the public lands within the Arrastra Mountain wilderness area prior to the Arizona Desert Wilderness Act of 1990 and continued in the area until 1996 when use of the permit ceased. Since there has not been a valid permit on the allotment since 2001, it is likely that forage within the wilderness area has somewhat increased as the pressure from livestock grazing has not been present at least on the Palmerita allotment. Having said that, the LHE did show that standards on the Palmerita allotment were only partially being met and therefore an assumption could be made that range conditions have not drastically changed or improved from the time the allotment was last utilized (1996). Since the proposed action imposes a more proactive grazing approach and adaptive management considerations, it is likely that conditions could improve through monitoring and subsequent AUM adjustments. It is also possible that the addition of the fence to exclude cows from the riparian area and subsequently the wilderness area could reduce cattle pressure on the wilderness area provided the permittee and BLM follow through with maintenance and monitoring adjustments to include reducing AUMs when monitoring indicates that strategy should be used. Issues related to overgrazing in the wilderness if monitoring objectives are not being met could impact wilderness character, specifically naturalness as overgrazing could impact the natural distribution of native plants impacting the ecosystem within the wilderness to function naturally. This impact to wilderness character however should not be significant provided that regular monitoring is conducted, and adaptive management strategies are used to ensure that forage conditions remain the same or do not get worse.

EA at 32 and 33.

There are some key problems with this analysis detailed below.

- What is lacking from the EA, whether discussing Wilderness or not, is an accounting of whether

a more proactive approach, including monitoring, is occurring. Of equal importance is a whether agency enforcement of permit requirements is actually occurring on the adjacent allotments and occurred prior to the nonuse that began in 1996 on the Palmerita Ranch Allotment.¹ Given BLM lack of success in improving range condition for decades and constraints on personnel, we see little or no chance that a more intensive system can be implemented. The EA admits there is trespass cattle use in the Wilderness (see EA at 34 and also at 13, 14, and 36 for general trespass references). Again, what is the track record for adaptive management that is monitoring and labor intensive? The question also needs to be asked if this unauthorized use, assuming it is occurring as the EA suggests, is from the same permittee that proposes to obtain the permit for the Palmerita Allotment?

- There is no analysis of grazing prior to designation as Wilderness. If, for example, grazing had occurred in 1985, but not 1986 through 1989, the allotment should have been technically vacant just prior to designation and would not be eligible for livestock grazing under the Wilderness Act. Regardless, BLM has the authority not to reissue the permit or even close the allotment for reasons such as failure to meet RHA standards.
- What studies applicable to this allotment show that range conditions as per a Land Health Evaluation (LHE) can improve more under grazing versus over nearly 30 years of rest? The statement suggesting continued improvement under the proposed action after nearly 30 years of rest seems far-fetched from a scientific perspective. Rather, such statements bias the analysis in the EA.

The actual amount of grazing under the alternatives is misleading. The proposed action would actually allow twice the amount of grazing as what occurred in 1996 (compare EA pages 5 and 7 for active AUMs), though under the so-called adaptive management, it would begin at the 50% level. Thus, the proposed action begins at essentially the same level as the past permit with the option of going up. Yet, the analysis does not reflect this fact and is therefore biased.

Further, the proposed action analysis of Wilderness (pages 32 and 33) compared with the grazing option (page 34) are inconsistent. One could conclude the problem of trespass livestock from adjacent allotments would be worse under no grazing. In essence, what BLM is saying is that the fences that are supposed to be maintained now, because they are allotment boundary fences, magically will be maintained if cattle are allowed in the new allotment. Thus, the EA is biased and inconsistent on current and projected maintenance of allotment fences.

The EA admits the area is not suitable for grazing:

Data obtained during monitoring and presented in the RHA indicate that plant communities are water stressed and desired grass communities are receding. Long-term monitoring data shows that the frequency of big galleta grass and other perennial grass species have declined in frequency since monitoring began back in the 1980s. The frequency of perennial grasses continued to decline even after livestock grazing was discontinued 1996. Frequency of big galleta has only just begun to rebound in the last decade. Data from monitoring plots show the frequency of perennial grasses range from zero to about ten percent. Observations made outside of the monitoring plots also found a relatively low frequency of grasses throughout the allotment.

¹ It begs the question as to why the permit was relinquished five years and not three years after the allotment had been in nonuse status.

EA at 25.

The EA also admits drought is more common than the good years. Range ecologists have known for decades that average precipitation is misleading when it comes to range management as most of the years are below average precipitation. The years of above normal precipitation make up the difference since precipitation is so low, those big years really skew the perception of annual precipitation.

The EA also indicates that historic grazing and drought, among others, are factors in the current poor condition of the allotment (EA pages 2 and 3). This suggests that the allotment is not suitable for grazing by cattle. Historic grazing would be repeated under the proposed action—the AUMs are virtually identical as the EA demonstrates.

Combining the concern over the above indicates that key species, like native perennial grasses, are just beginning to recover. Grazing now would stymie and reverse that recovery. Perennial grasses are also crucial for some species like the desert tortoise.

A crucial component of the Wilderness are the native species of wildlife and plants. Appendix E shows the Wilderness is important for bighorn sheep, desert tortoise, and other species. Desert tortoise and desert bighorns are negatively affected by livestock grazing.

The EA makes no mention of predator control or impacts to Wilderness from predator killing. Appendix E indicates there are cougars in the allotment, but does not have any analysis of a predator control program in the allotment, including Wilderness.

Amid these inconsistencies, the EA does state regarding the Wilderness, “Although use may continue from unauthorized livestock, it may be more sustainable than active grazing under the Palmerita lease.” This is undoubtedly true. Yet, the equivocation renders the analysis in the EA meaningless. A more honest approach would be to state upfront, that grazing will be worse for Wilderness, wildlife, and watersheds even though there might be some illegal use by livestock in the allotment, including the Wilderness, now.

Summary

The EA assumes a level of monitoring and management under the proposed action that BLM has never been able to achieve, given political and personnel constraints by stating “these incremental impacts from multiple activities are not anticipated to be significant provided the wilderness area is continually monitored for regulatory compliance and the grazing permit is monitored for compliance with the terms and conditions of the permit.” (EA at 44). The equivocation and lack of clarity could lead the reader to conclude that livestock grazing really doesn't make a difference, in spite of strong scientific evidence to the contrary. The omissions in the EA regarding an allotment closure alternative and analysis of predators from predator control programs render the EA inadequate.

The best of the alternatives analyzed is no-grazing. It would not affect any current permittee and would allow one corner of the Wilderness to remain relatively wild.

Please keep us updated on this project.

Sincerely,



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