



Oregon Natural Desert Association

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Content Analysis Team
BLM Categorical Exclusions
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VIA EMAIL

Re: Proposed revision to BLM NEPA Manual

Dear BLM:

Please accept these comments from the Oregon Natural Desert Association (ONDA) on the proposed revision to the BLM's procedures for Chapter 11 of the Department of the Interior's Manual 516 DM—Managing the NEPA Process. ONDA is a non-profit public interest organization whose mission is to protect, defend, and restore forever the health of Oregon's native deserts. ONDA has a long history of interest and involvement in BLM activities with respect to wilderness, grazing, riparian areas, water quality, and fish and wildlife. The members and staff of ONDA use and enjoy BLM lands for recreational, scientific, spiritual, educational, aesthetic, and other purposes.

ONDA strongly opposes the addition of two CEs regarding issuance of grazing permits and temporary, non-renewable use where the allotment is either meeting land health standards or not meeting standards due to factors other than grazing. The CEs are a step in the wrong direction. The BLM needs to be moving in the direction of more analysis of the environmental impacts of its activities on its fragile desert lands—not less. These new CEs violate the letter and the spirit of NEPA.

The issuance of 10-year grazing permits almost always has the potential to significantly affect the human environment. EAs should be prepared when the agency is uncertain of the potential for significant impacts and needs further analysis to make the determination. They are designed to “[b]riefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.” 40 C.F.R. § 1508.9(a)(1).

Federal courts have repeatedly held that the issuance of grazing permits significantly affects the environment and thus require NEPA analysis. In the seminal case on this issue, NRDC v. Morton, the court held that:

The court is therefore persuaded that the grazing permit program produces significant impacts on individual locales. And when the cumulative impact of the entire program is considered it is difficult to understand how defendants-intervenors can claim either that the impact of the program is not significant or that the federal action involved is not major.

NRDC v. Morton, 388 F. Supp 829, 835 (D.D.C. 1974).

Dozens of peer-reviewed studies have concluded that grazing has serious impacts on public land. In a paper summarizing dozens of peer-reviewed papers on the impacts of grazing, the authors concluded:

Livestock grazing has damaged approximately 80% of stream and riparian ecosystems in the western United States. Although these areas compose only 0.5-1.0% of the overall landscape, a disproportionately large percentage (~70-80%) of all desert, shrub, and grassland plants and animals depend on them. The introduction of livestock into these areas 100-200 years ago caused a disturbance with many ripple effects. Livestock seek out water, succulent forage, and shade in riparian areas, leading to trampling and overgrazing of streambanks, soil erosion, loss of streambank stability, declining water quality, and drier, hotter conditions. These changes have reduced habitat for riparian plant species, cold-water fish, and wildlife, thereby causing many native species to decline in number or go locally extinct. Such modifications can lead to largescale changes in adjacent and downstream ecosystems. Despite these disturbances, some people support continued grazing. These advocates argue that most of the damage occurred 50-100 years ago; however, recent studies clearly document that livestock continue to degrade western streams and rivers, and that riparian recovery is contingent upon total rest from grazing.

A.J. Belsky, A. Matzke, S. Uselman, Survey of Livestock Influences on Stream and Riparian Ecosystems in the Western United States, Journal of Soil and Water Conservation, 1999, Vol. 54, pp. 419-431 (emphasis added), available at <<http://www.onda.org/library/papers/BelskyGrazing.pdf>>. Please enter this study into the project file for this proposal.

Tiering to an EIS from the applicable RMP is not appropriate because those EISs do not consider the site-specific impacts to each allotment. The purpose of tiering is “to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review.” 40 C.F.R. § 1502.20. But EISs for RMPs do not discuss the environmental impacts of grazing on each allotment—so

eliminating the site-specific EAs would not eliminate much repetitive discussion. Rather, it would eliminate completely the critical analysis of site-specific grazing impacts.

The standards for rangeland health are minimum standards that every grazing allotment should meet. They trigger the need for swift, restorative action if they are not met. The standards fail to address many significant impacts of grazing, such as cumulative impacts. Simply because an allotment meets these bare minimum standards does not mean that continued grazing for ten years will not have a significant impact on it. This “safeguard” also shows that BLM has little interest in restoration or recovery. It ignores the fact that some allotments may need rest to actually fully recover in order to provide proper habitat for wildlife and recreational opportunities. But under the proposed CE, such a rest alternative would not be considered in an EA.

In addition to determining whether a project has significant impacts, EAs and EISs play an important role by providing critical information to the public and giving the public an opportunity to correct mistakes and bring up issues that the BLM was unaware of. The NEPA regulations similarly state that another purpose of EAs is to “[a]id an agency’s compliance with [NEPA] when no environmental impact statement is necessary.” 40 C.F.R. § 1508.9(2). FLPMA also requires public comment. This public involvement function will be much less valuable if the BLM only roughly outlines its proposal in a CE and provides a single comment period for the public.

In the BLM’s proposed revisions to its public land grazing regulations, it proposed to remove the requirement that BLM consult with interested public prior to issuing grazing permits—on the grounds that the consultation was redundant to existing NEPA analysis. Now, the BLM is proposing to severely truncate that NEPA analysis as well. This reversal of position is dishonest and serves to eliminate all opportunities for meaningful public consultation and comment regarding the terms of grazing permits.

Please reverse course on this proposal to cut the public out of grazing management, and keep us informed on the progress of this proposal.

Sincerely,

s/ Kristin Ruether
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