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Livestock Stakeholders Feedback and Input To 2020 Washoe County Lands Bill

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The feedback and input that is covered here is based on the meeting and discussion with involved livestock allotment owners who will be impacted from the outcome of legislative actions taken to implement the Washoe County Lands Bill.

These stakeholders wish to express these general responses to the overall designations of Wilderness and National Conservation Areas:

Our primary recommendation is to remove all Wilderness Study Areas to be removed from WSA status and those areas which are not qualified to be designated as Wilderness Areas should be returned to full multiple use.

Livestock producers, who own livestock grazing allotments within Wilderness Study Areas, depend on these allotments as essential components in their annual production cycle. They live near, work and recreate on federally-managed lands in Washoe County and in adjacent counties (including in neighboring states). These producers urge that lands remain open to full access for sustained livestock and resource management.

Concepts Which Need To Be Incorporated Into the Language Of Proposed Legislation:

- Because of the very poor quality of maps that have been provided for public review, any map which present possible roads for access, should not be a final determining factor in allowing access.
- Allow all access necessary for improvement and maintenance of all existing and proposed water sources, including, but not limited to use of heavy equipment, trenching, set up of solar and pumping systems and water storage development.
- Allow all road and trail access necessary for fence maintenance and improvement. Also allow all equipment access necessary for fence construction or re-construction.
- All means necessary for fire suppression, including use of heavy equipment – in addition to post-fire rehabilitation projects and on-going road and trail maintenance.
- Resource management needs to address Sage Grouse enhancement projects as well as essential pre-fire suppression and weed control activities cannot be limited by Wilderness designation.
- Allow full access for wild horse removal/management which use helicopters and motorized vehicles and to allow for temporary set-up of traps.
- Allow all means necessary for Juniper removal and treatment.
- Allow for rangeland improvements such as re-seeding, sagebrush removal and treatment, new water development and riparian corridor enhancements as well as noxious weed control.

- Allow full access for grazing management and rangeland science studies and research, implementing study sites/projects to improve knowledge of livestock and resource management.
- Allow for full implementation of livestock management and resource enhancement projects recommended by the Modoc-Washoe Experimental Stewardship Council (a federally-authorized and locally-led, multi-stakeholder collaborative group that has been functioning in the region for over 35 years).

Specifics On Proposed Designations:

The most recent map of the Massacre Rim Wilderness area has failed to include the necessary roads and access routes, especially in the central and western portions of the area that has been identified as Wilderness. This must be corrected to properly identify these necessary roads and access routes.

The Massacre Rim Wilderness area, as well as other areas which are proposed as designated Wilderness, have massive over-populations of Wild Horses. These herds must be brought into properly managed Appropriately Managed Levels (AML) before designation takes place.

The proposal for National Conservation Areas (NCAs), specifically for the Buffalo Hills and Dry Valley Rim areas should return the lands not qualified to be Wilderness to full multiple-use. The areas which have been identified as NCAs are by definition not qualified to be Wilderness and there is no justification or resource management for this new land-grab of NCA designation.

Specifics On Livestock Grazing:

We need to have Congress clearly express their intention that livestock grazing to be continued on existing livestock grazing allotments.

- This continuation needs to provide for all historic maintenance practices to meet the obligations associated with proper management of livestock grazing.
- All maintenance practices should provide for the use of all equipment/vehicles containing an internal combustion engine, powered by fossil or bio fuels. Any equipment/vehicles containing an electrical power source that uses batteries, solar or wind to supply or charge the electrical power source should also be allowed to be used.
- All historical means of access shall be authorized to care for and maintain all livestock and infrastructure.

Amendment Of House Report No 101-405, February 21, 1990 [To accompany H.R. 2570]:

We do not accept the simple application of the current boiler-plate language that has been used to cover Wilderness Areas inferring that livestock grazing is somewhat allowed to continue. There are significant examples where practices by land management agencies properly provide for livestock grazing activities on designated Wilderness.

The changes proposed here include new language to be added (**highlighted in green and underlined**) and language which needs to be deleted (~~identified with crossed-out marking~~). **An explanation for the reasons for the proposed changes are highlighted with yellow-highlight...**

APPENDIX A. - GRAZING GUIDELINES

Section 4(d)(4)(2) of the Wilderness Act 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 Secretary of Agriculture~~".

(Proposed for deletion because this language relates to U.S. Forest Service Wilderness, under the direction of the Secretary of Agriculture. It should not be necessary for BLM managed lands.)

The legislative history of this language is very clear in its intent that livestock grazing, and activities and the necessary facilities to support a livestock grazing program, will be permitted to continue in ~~National Forest~~ wilderness areas, when such grazing was established prior to classification of an area as wilderness, **or Wilderness Study Areas**.

(The language proposed for deletion is because this language relates to U.S. Forest Service Wilderness. The new proposed language reflects that these areas were also already permitted livestock grazing prior to the establishment of Wilderness Study Areas..)

Including those areas designated in 1964 by the Wilderness Act, Congress has designated a large number of wilderness areas, including areas which are managed the Forest Service, Fish and Wildlife Service, and Bureau of Land Management. A number of these areas contain active grazing program, which are conducted pursuant to existing authorities. In all such cases, when enacting legislation classifying an area as wilderness, it has been the intent of the Congress that the cited language of the Wilderness Act would apply to grazing within wilderness areas administered by all Federal agencies.

To avoid any possible confusion, however, the Committee believes it would appropriate to reiterate the guidelines and policies (which have been set out previously in the Committee's Report on H.R. 5487 of the 96th Congress, House Report N. 96-617) that are to be utilized by BLM in implementing the relevant provisions of the Wilderness Act with respect to livestock grazing in the wilderness areas designated by this bill. It is the intention of the Committee that these guidelines and policies be considered in the overall context of the purposes and direction of the Wilderness Act of 1964 and this bill, and that they be promptly, fully, and diligently implemented and made available to Bureau of Land Management personnel at all levels and to all holders of permits for grazing in the wilderness areas designated by this bill.

The guidelines and policies are as follows:

1. There shall be no curtailments of grazing in wilderness areas simply because an area is, or has been designated as wilderness, nor should wilderness designations be used **as** an excuse by administrators to slowly "phase out" grazing. Any adjustments in the numbers of livestock permitted to graze in wilderness areas should be made as a result of revisions in the normal grazing and land management planning and policy setting process, giving consideration to legal mandates, range condition, and the protection of the range resource from deterioration.

It is anticipated that the number of livestock permitted to graze in wilderness would remain at the approximate levels at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) could be made available with no adverse impact on wilderness values such as plant communities, primitive recreation, and wildlife populations or habitat, some increases in AUMs may be permissible. This is not to imply, however, that wilderness lends itself to AUM or livestock increases and construction of substantial new facilities that might be appropriate for intensive grazing management in non-wilderness areas.

2. The maintenance of supporting facilities, existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness. ~~Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment.~~ Where motorized equipment was used to establish livestock facilities or has been used to maintain these facilities since being established, the use of motorized equipment will be continued to be allowed as necessary for maintenance. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. ~~Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand, it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted in those portions of a wilderness area where they had occurred prior to the area's designation as wilderness. or are established by prior agreement.~~

(The language proposed for deletion is because this language provides no assurance or even transparent insight for what the practices might be for when motorized equipment might be allowed. It almost smacks of allowing the land managers to decide on whatever whim they might have for what is "occasional" or allowed. I'm suggesting the new proposed language to reflect the need for certainty and clarification that if the improvements were created using motorized mechanical means or were used for maintenance these practices should be allowed as necessary.)

3. The replacement or reconstruction of deteriorated facilities or improvements should not be required to be accomplished using "natural materials", ~~unless the material and labor costs of using natural materials are such that their use would not impose unreasonable additional costs on grazing permittees.~~

(The language proposed for deletion is not necessary.)

4. The construction or new improvements or replacement of deteriorated facilities in wilderness is permissible if in accordance with these guidelines and management plans governing the areas adjacent to the designated Wilderness areas. ~~involved. However,~~ The construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock.

(The language proposed for deletion as well as the language proposed for change is based on following the land management plans covered for livestock grazing requirements in the entire area.)

5. The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. This privilege is to be exercised only in true emergencies. ~~, and should not be abused by permittees.~~

(The language proposed for deletion is not necessary.)

In summary, subject to the conditions and policies outlined in this report, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at the time Congress determined that the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue. With respect to areas designated as wilderness prior to the date of this Act, these guidelines shall not be considered as a direction to reestablish uses where such uses have been discontinued.

- This input to the Washoe County Lands Bill is provided as a group effort involving livestock grazing allotment owners who will be impacted by the designation of Wilderness, the Nevada Cattlemen's Association and the Nevada Farm Bureau Federation