

March 23, 2018

BLM Southern Nevada District Office
Southern Nevada District RMP Revision
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RE: COMMENTS FOR REVISED RMP

Dear Planning Team,

Partners In Conservation (PIC) submitted comments for the February 2, 2018 deadline as well as extensive comments for the original draft RMP in early 2015. We request those comments still be used in all RMP developments, actions, and decisions going forward.

However, given the extended time (thank you very much!), we want to make additional comments on items we did not discuss earlier or found out about since 2-2-18; we also want to make clarifying comments regarding several extremely important issues—important to PIC, to the rural communities, to recreational users, to rural utilities, etc.

Acronyms used:

RMP	Resource Management Plan
EIS	Environmental Impact Statement
BLM	Bureau of Land Management
TMRUA	Traditional Multiple / Recreation Use and Access
ROW	Right of Way
VRM	Visual Resource Management
LWWC	Lands With Wilderness Characteristics
NEPA	National Environmental Policy Act
ACEC	Areas of Critical Environmental Concern
TMP	Travel Management Plan

Clarifying comments to extremely important issues:

MULTIPLE USE: Perhaps the two phrases that best describe PIC’s beliefs and goals regarding public land are multiple use, and, of course, access. As often occurs, it is the little things that make the most difference. Take the definition of ‘multiple use’. In its simplest definition, “multiple” means ‘more than one part’ according to Webster’s Dictionary; applying that to use, we get ‘more than one use’. And

when Lee Kirk explained to the Moapa Valley Town Advisory Board, about a month ago, that all alternatives support multiple use, it was at once both easily understandable but also almost impossible to grasp. Why was that? Because, we (meaning PIC, rural communities, residents, recreational users, etc.) think of multiple use in a different manner and we certainly don't see 'all alternatives' as being multiple use—but when Lee made that statement, we did understand why the BLM believes all alternatives are multiple use---and now we understand why we get looks of disbelief and confusion when we insist that we need a 'multiple use alternative'. The BLM believes they already have 4 multiple use alternatives.

So, then we go further and try to define multiple use as 'traditional multiple use' or 'diverse community multiple use' or any number of added-on adjectives, to which the BLM looks at us with disbelief and confusion again—they have already produced 4 multiple use alternatives in their understanding and definition of multiple use.

So, to get somewhere---WE need to explain our definition better as WE will never move things forward until the BLM understands what WE are talking about when WE say, 'multiple use'. This will require a bit of history and discussion, so we start with the Ecology Law Quarterly, Volume 26, issue 2, June, 1999 "The Transformation on Public Lands" by Jan G. Laitos and Thomas A. Carr, pages 149-150, "The concept of multiple use was deployed as a management tool for most federally-owned lands, particularly those of the Bureau of Land Management. During the heyday of multiple use management era (1930-1970), commodity uses of federal lands were dominant. In the 1970s, however, new environmental laws (triggered by a burgeoning environmental movement) led to growing restrictions on the traditional extractive uses of public lands."

This report goes into detail enumerating the decline in commodity uses and noting the growing environmental movement and reaches the conclusion in Part 1 that "the amount of public lands normally managed according to multiple-use statues has dwindled, decreasing the land base historically favoring commodity production," (commodity production meaning grazing, timber, mining, minerals, and energy extraction, etc.)

Further, it notes preservation is an organizing principle for the management of public lands because of the rise of a wilderness ethic, the emergence of biodiversity and ecosystem management, and the impressive (their words) political clout of environmental organizations among other reasons. It is worth noting that the trends the authors noted in 1999 are still continuing, i.e., decline in commodity uses and increase in environmental preservation; evidence of such is clearly seen in the original 2015 revised RMP and its Alternatives. As is cited on page 160, "What is striking about this downward trend among commodity uses is that it is relentless and pervasive among all the traditional economic resources. There has been a decline in timber harvesting, grazing, hard rock mining, and extraction of energy minerals from public lands. Moreover, the trend has not slowed in recent years, it has accelerated. To fully understand the scope of change, one should compare this slide with the rise of recreation and preservation."

Having discussed the drastic decrease in grazing, mining, timber harvesting, etc. from the 1970's on—now let us fold into this discussion the points PIC has made earlier about rural communities in the West. Small rural communities dot the landscape of the west; they typically pop up about a day's ride from the next nearest town; since most of the west was public land, these little oases of private land are necessarily surrounded by public land. Traditionally, each little town served as the hub, the center, and fanned out all around this town were families making a living by ranching, mining, harvesting timber,

etc., from and on public land. When a family cannot make a living because of increasing regulations, loss of traditional multiple use land, etc., they necessarily leave. When enough of those living around the town leave, the town begins to dry up; after all, if there are no ranchers needing equipment, groceries, or gas, then those businesses lose money and move--and eventually even the towns are gone.

These towns are where we all grew up; when Gene Houston (MV TAB Chair) says that he wants things the way they used to be, i.e., traditional multiple uses—he means he wants mining, ranching, etc. to still be allowed, to still be a viable source of making money, and to still support small communities; those traditional multiple uses are virtually gone, and it is not just us saying it. Look around; is there any mining permits or grazing permits left in Gold Butte? And what if a couple of enterprising families want to invest their time and money securing a permit to search for rare earth minerals---if that land they want to get a permit on becomes part of a Lands With Wilderness Characteristics designation---will they be able to get a permit? So, this ability to ranch, mine, etc. is a vital part of our heritage, our history, our lifestyle, our traditions, our values; as is living in small communities---and these are some of the multiple uses that ARE NOT REPRESENTED IN ANY OF THE ALTERNATIVES---AND ONE OF THE REASONS WHY WE ARE ASKING FOR A TRADITIONAL MULTIPLE/RECREATION USE AND ACCESS ALTERNATIVE.

The decrease in multiple use/commodity use is just part of the issue; the other side is the rise of preservation. The article referenced above in Part 1, continues the discussion of preservation increasing by noting that a large increase of public lands has been set aside for preservation and that correlates with a decrease in public lands available for commodity extraction (traditional multiple use). **How does that happen—the increase in preservation and the corresponding decrease in traditional multiple use? It happens because of land designations, classifications, and the accompanying management actions**---and it isn't just PIC saying that. Page 172, “When the environmental movement achieved full voice in the 1960s and 1970s, groups of reformers mobilized and demanded that federal laws be changed to halt the loss of nature to commercial development. Conservation groups discovered that they had tapped into a latent public concern about environmental degradation and that they had the ear of Congress. Within a decade, federal statutes were enacted that worked to deter private interest in exploiting the economic potential of natural resources on public lands. The newly passed laws, which dramatically increased the amount of land in the National Wildlife Preservation System, the National Wildlife Refuge System, and the National Parks were designed to protect the environment, save the wilderness....” Further on page 173, this discussion picks up again, by first noting the continuing decrease of traditional multiple use lands because of wilderness and wilderness study area designations, because of ACECs and areas designated as critical habitat for endangered or threatened species, because of access restrictions preventing traditional multiple use, and because of developments on public lands, such as ski resorts. Their conclusion: “As a result of Congressional and agency decisions, the **multiple-use land base has been halved since 1934.**” (emphasis added). Remember, this does not include anything after 1999---and given all that has happened in the past 18 years, it would probably be an understatement to say that the multiple-use land base has been halved again since 1999.

Here, we introduce the next thread of our conversation, that of development. Development is different from the traditional multiple uses of ranching and mining which have ‘improvements’ on public lands. Development REMOVES that land base from public use, including public multiple use. This distinction cannot be emphasized enough; traditional uses have small-scale ‘improvements’ on public lands such as corrals, small mining set-ups, or even a cell tower or utility pump station. Development removes that original public land from public land use. Developments are Right of Way corridors, solar farms, ski resorts, wind farms, etc. They either become private land or are treated as private land meaning the average public person cannot ‘use’ that land.

And here is the insidious part; the part the original RMP fits like a glove---the reason WHY the RMP is not a multiple use document and WHY we must have a multiple use Alternative: It is the unholy marriage, for convenience's sake, of preservation and development. It is the 'I'll scratch your back if you scratch mine'; it is the elimination of true multiple use right before our very eyes. This 'balance' has been wildly embraced and promoted as the answer to management of public lands; Senator Reid championed this 'answer' and established the precedent of all public land bills since the early 2000s. This 'answer', this 'balance', this unholy marriage, is a simple mathematical equation. For any public land set aside for development, an 'equal' or more amount of acreage must also be set aside as preservation, to 'balance' development. And we all went along with it. Oh sure, PIC complained, didn't like it, protested, but the underlying 'balance', we did not see it as the death of multiple use that it truly is.

Two more threads. Any development of public land requires a vast amount of money; therefore, only those with deep pockets 'develop', buy, 'get', public land and then convert it into a private enterprise—Summerlin, solar farms, power plants, wind farms, ski resorts, a parcel of land in a small, under-populated county so that the county can have an 'industrial center' to attract businesses. All of those developments take original multiple use land and make it unpublic—usually it is 'sold' and is legally private or it is a right of way or something that 'uses' that public land to the exclusion of all other uses, therefore not multiple use, not public land, but rather land with a singular use benefiting only big development. In the halls of Congress, these public land bills will go nowhere until the land needed for big development is 'balanced' with preservation. Big development has the money to make their side happen; the environmental groups are delighted and big and they will support development in order to get preservation. Big development will support preservation in order to get land for their development. I pronounce you man and wife. Unholy marriage. These two 'uses' are polar opposites, but they 'use' each other to get what they want, and they have enough money to make it happen.

Meanwhile, back at the ranch, the small communities, the rural utilities—things are needed here too. But the water district cannot test water they legally have a right to—because they can't get an easement or a right of way to get to their test site. They spend years and years and hundreds of thousands of dollars trying to make this happen but little things get in the way—an ACEC says that 'use' is 'not allowed'; that isn't in our district, a million reasons, your permit expired and soon the little utility company doesn't have enough money to try to make this happen. What is the problem here? It is lack of traditional multiple use in the current RMP and current management actions.

Back in the late 1990s, ranchers in southern NV were presented with the desert tortoise being threatened and eventually permit conditions mandated ridiculous, expensive regulations. No cattle can graze in the desert during the tortoise 'active season' which happens to be the only time there is forage in the desert—the spring and the fall. What a sad coincidence the ranchers are told. Feed your cattle hay in the spring and fall and they can graze in the winter and summer. Too bad no forage is available then. And so 50 plus ranchers decide their way of life, their lifestyle, their traditions, their culture is unsustainable; they become "willing" sellers. Again, preservation eliminates multiple use.

Meanwhile back in the lobbying offices in DC, expensive lobbyists for the environmental groups and expensive lobbyists for the developers find a 'balance' they can each live with and they all get what they want.

Is this helping to explain why we say we need a Traditional Multiple/Recreation Use and Access Alternative? Does this help explain why Alternative 2 (environmental) and Alternative 4 (development)

are NOT multiple use to us? And the Preferred Alternative, Alternative 3, which is some from Alternative 2 and some from Alternative 4 is certainly NOT multiple use and is actually, in a very, very real sense—a slap in the face to us. Do not serve us up a slice of development and a slice of preservation and expect us to thank you for the (not) multiple-use dinner.

And the last thread---it is also a simple mathematical equation and it goes like this. There are a 1,000 acres of multiple use land left on BLM land in Clark County. A developer needs 200 acres and his lobbyist sets up a meeting with an environmental lobbyist. The environmental group needs 200 acres of preservation. What balance, what compromise. 1,000 acres minus 200 development acres and 200 preservation acres leaves us with 600 acres of multiple use BLM land in Clark County.

2 years later, another developer needs 200 acres of BLM land in Clark County for a fabulously important development. Happily, the environmental groups agree that 200 acres of BLM land in Clark County is what they need. 600 acres minus 200 development acres and 200 preservation acres leaves us with 200 acres of multiple use BLM land in Clark County.

2 years later, another developer needs 100 acres..... Do the math. We are literally running out of multiple use lands in Clark County—the kind of multiple use that WE mean, not the kind that is ‘2 uses or more’. WE WANT, WE NEED a Traditional Multiple/Recreation Use and Access Alternative. The Alternatives in the original RMP are NOT our definition of multiple use.

Not having a Multiple Use Alternative is a biased, prejudicial negative direct impact on rural communities, residents, utilities, businesses, recreationalists, etc. There may be an Alternative for Preservation and there may be an Alternative for Development, but an Alternative that contains some of each of those Alternatives is in no way, shape, or form a Preferred Alternative. The Preferred Alternative is a Traditional Multiple/Recreation Use and Access Alternative.

Additional, new comments about previously discussed issues:

LANDS WITH WILDERNESS CHARACTERISTICS: We have learned that such an inventory of only one resource (wilderness characteristics) is not mandated and is, in fact, not done in accordance with FLPMA directives. Regarding inventory, FLPMA states, (Title II—Land Use Planning: Land Acquisition and Disposition, Sec. 201 Inventory and identification, page 4 (a)) “The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values (including, but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern.” According to this FLMPA doctrine, lands should not be inventoried for wilderness characteristics alone but for all resources and other values. So, at the very least, if this LWWC inventory was done, where is the inventory of all the other resources and values? That should be included in the RMP also. After that, an analysis of all resources and values should be done and all those resources and values should have recommendations for management action changes in the draft RMP. It seems clear, either do an inventory for all resources and values or toss out the singular inventory for wilderness characteristics as it is biased, prejudicial, and thus flawed. An inventory for wilderness alone creates an instant negative impact to the rural communities near the inventoried land and to all members of the public who do not believe so much land actually qualifies as possessing wilderness characteristics. Also, the FLPMA directive specifically calls out ‘outdoor recreation and scenic values’ so at the very least, recreation and scenic values are specific resources/values FLPMA details, but here only wilderness

characteristics were apparently the only resources inventoried. Outdoor recreation and scenic values must also be inventoried as well as all resources and other values in order for the wilderness characteristics inventory to be unbiased and meaningful.

Additionally, the reason given for doing the wilderness inventory is because the original inventory considered short shrubs and other desert plants to not provide sufficient solitude but apparently now someone has decided that short shrubs might actually provide sufficient solitude and privacy. Where is that document? That information should be presented to the public; if not, the public is being provided incomplete information. At a time when trust needs to be rebuilt in the rural areas, providing ALL information and doing an inventory for ALL resources and values would help with those trust issues. And if someone did make that determination, why is it only being done in southern NV? If it really is the case that short shrubs now are considered to provide sufficient cover, then it should a national directive to inventory all desert lands (and inventory for all resources and values as FLPMA directs). And regarding the short desert shrubs not providing enough solitude, what are the parameters to determine what size provides 'solitude' and what size does not. Is it 3'4" or 4'8"? Does the shrub need to have a certain width, does it need a certain depth? Does a straggly creosote bush that has not had much water provide 'solitude'? This seems more like an attempt to add land to the preservation side and to subtract land from the multiple use side. The whole approach to this new 717,000 acres of LWWC seems like it was done under a cloak of secrecy—again, this doesn't help with building trust with the rural communities. Where is the documentation stating this must be done? Where is the complete inventory of all resources and values including new and emerging resources and values? Why isn't this a national directive for all desert areas? Why is this inventory done here? Why didn't the public notice even mention 'new acreage considered for LWWC'? What are the parameters used to determine if desert shrubs provide adequate solitude? What plants qualify as 'solitude producing plants' and which plants do not? The list of questions is long—with no answers as to this inventory.

Also, in the specific inventories of areas, the areas in the northeast part of Clark County, ALL of them, do not seem to qualify as wilderness characteristics at all. All of the lands are near developed land, private land, etc. where one can visually see and can also hear the impact of man all the time. All of the lands have the imprint of man upon them; they have been used often and are part of our local history and heritage. The inventories in northeast Clark County are flawed and during comments for the RMP, we will make specific comments pointing out the flaws, errors, etc.

However, if the wilderness inventories are included in any Alternative, PIC and the rural residents specifically request that those lands be managed as they are now—as true multiple use lands.

Items not discussed earlier:

AREAS OF CRITICAL ENVIRONMENTAL CONCERN / SPECIFICALLY THE VIRGIN RIVER ACEC: We have stated in the comments to the original RMP that we are opposed to more ACEC designations, that the analysis and determinations are flawed, and generally, that ACEC designations remove more land from the traditional multiple use category, thereby removing MOST multiple uses, and moves those lands to a preservation category.

Additionally, we found out late about the expansion of the Virgin River ACEC. This is one of the flaws of the current maps; it is virtually impossible to see anything in any kind of detail. The expansion of the

Virgin River ACEC, on the small maps, doesn't even show that the expansion is next to Bunkerville and Mesquite. PIC would have loudly protested about that in the first draft, if we could tell where the expansion was. The area that appears to be included is crisscrossed with local infrastructure from the Virgin Valley Water District, to both irrigation companies, to Overton Power, and to the City of Mesquite, at the very least. And the worst part is, all of these local entities profess to not know anything about this. How can you think the BLM can rebuild trust in the rural communities when you don't 'come clean' and inform local government entities and utilities? What does a Cooperating Agency mean? Finally, the utilities were recognized as Cooperating Agencies, and PIC thought that was supposed to mean that you consulted with them prior to the public process to make sure that your management actions didn't interfere with their ability to do their work. If they didn't even know about it, how could they tell you if there were issues?

The new draft RMP MUST have much better maps; we have said this over and over and it is most frustrating because the public CANNOT make specific, relevant comments without specific information. People always ask us if it is deliberately done by the BLM—to provide such poor maps so that no one can determine what it is or where it is that they need to make comments about. It is hard to tell people that this is not deliberate when it looks like it is—couple poor maps with not informing people about added LWWC (717,000 acres added) and it makes it so hard for people to believe that it isn't deliberate.

Conclusion:

As always, thank you for the opportunity to comment on management of our public lands. We always appreciate the extension of time, as we do this time also. This document is primarily new comments but supports and enhances our comments from 2015 as well as our recent comments submitted on 2-2-18. We have attached both documents in an effort to make sure our comments are reviewed, applied, and incorporated into the revised draft RMP. Thank you again, we look forward to the revised draft RMP and the comment period for that document.

Sincerely,

Elise McAllister (digital signature)

Elise McAllister
Administrator, PIC

cc: Commissioner Kirkpatrick
John Ruhs, BLM NV State Director
Senator Heller
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