



UTAH FARM BUREAU FEDERATION

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"Inspire All Utah Families to Connect, Succeed, and Grow Through the Miracle of Agriculture."

November 4, 2024

SUBMITTED ELECTRONICALLY

Tracy Stone-Manning
Director
Bureau of Land Management
U.S. Department of the Interior
ATTN: Protest Coordinator (HQ210)
Denver Federal Center, Bldg. 40
Lakewood, CO 80215

RE: Protest to the Bears Ears National Monument Proposed Resource Management Plan and Final Environmental Impact Statement (DOI-BLM-UT-Y020-2022-0030-RMP-EIS)

Dear Director Stone-Manning,

The Utah Farm Bureau Federation (UFBF), representing 35,000 member families throughout the state of Utah, hereby submits this formal protest of the Bureau of Land Management (BLM) and U.S. Forest Service's (USFS) Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP) for Bears Ears National Monument (BENM), as published on October 3, 2024. This protest is filed in accordance with 43 CFR 1610.5-2. The UFBF submitted comments on the draft Resource Management Plan (DRMP) for Bears Ears National Monument on June 11, 2024.

Grounds for Protest

The UFBF protests the following issues in the PRMP:

1. Unnecessary Restrictions on Livestock Grazing
2. Lack of Data to Drive Decisions on Grazing
3. Flawed Data and Analysis on John's Canyon
4. Lack of Collaboration with Permittees
5. Illegal Permanent Retirement of Grazing Allotments
6. Ranching as a Traditional Cultural Property
7. Inadequate Consideration of Local and State Resource Management Plans

8. Insufficient Analysis of Socioeconomic Impacts

Unnecessary Restrictions on Livestock Grazing

The PRMP introduces unnecessary restrictions on livestock grazing that will significantly affect ranchers' ability to manage their operations effectively. These restrictions include limiting new range improvements and water developments to those that enhance the protection or restoration of BENM objects and values. While these measures aim to protect natural and cultural resources, they fail to fully recognize the cultural and economic importance of grazing in the region, as highlighted in Presidential Proclamation 10285. The BLM and USFS did not adequately consider the cultural and economic factors of grazing in their decision-making process, despite grazing being an important traditional use in the area. This approach will harm local ranching communities that have relied on grazing within the BENM boundaries for generations. The UBBF raised these issues in our comments on the DRMP submitted on June 11, 2024.

Lack of Data to Drive Decisions on Grazing

In the DRMP, the BLM did not provide data related to grazing in the proposed alternatives. However, in the PRMP, the BLM provided data related to grazing that had not been presented previously. This creates a perception that the BLM made decisions in the absence of data and then sought data post hoc to justify those decisions. These decisions also oversimplify grazing by correlating the presence of grazing with the changes in vegetation across several sites. This approach assumes that grazing alone is responsible for the loss of perennial grass and forbs.

Additionally, the BLM didn't report grazing utilization data that should be used to quantify grazing intensity. This is concerning as grazing utilization was not even mentioned in the proposed alternatives or the DRMP, suggesting that BLM decision-makers had no livestock use to help explain changes in vegetation. Further, the BLM points to climate change as a concern but fails to acknowledge that climate could play a role in the changes observed in the data presented in the PRMP. These omissions of data with proposed actions and the lack of grazing utilization, whether intentional or unintentional, if left unaddressed it will erode trust in BLM's use of data and decision-making process. The UBBF protests this lack of transparency and requests that the BLM provide a full accounting of the data used to make grazing-related decisions, including comprehensive grazing utilization data and consideration of climate factors in vegetation changes.

Flawed Data and Analysis on John's Canyon

In addition to our concerns about scientific research and analysis mentioned above, the UBBF specifically protests the proposed elimination of cattle grazing in John's Canyon within BENM, as outlined in the PRMP. The decision to remove cattle grazing from John's Canyon is based on flawed, misleading, and inconsistent data. We have identified several issues with the data collection and analysis used in the planning process:

1. Timing of Data Collection: The Terrestrial AIM plot (BENM-10) was sampled by the BLM on June 19, 2024, after the comment period on the DRMP ended.

2. Lack of Historical Data: The AIM site (BENM-10) may not have been established before this sampling and does not appear to be shown on the public BLM AIM website, preventing any analysis of historical trends.
3. Incorrect Site Classification: The site description for BENM-10 is for R035XY215UT Semidesert Sandy Loam (4-Wing Saltbrush) and all reference conditions (PRMP Volume 2, Appendix K, Section 4.2, Page K-52) are compared to that type of site even though the PRMP only characterizes the site as “Semidesert Sandy Loam”. The photo included on K-53 appears to show that the area is predominantly blackbrush, which is more indicative of that specific area and there is a clear absence of 4-wing salt brush. The site description for that type of area is more aligned with R035XY121UT, Desert Sandy Loam (Blackbrush).
4. Misinterpretation of Ecological Dynamics: The PRMP also misinterprets the ecological dynamics of the AIM site (BENM-10) which are stated as 12.7% grass cover, .67% biological crusts, and 41.33% bare soil cover. The ecological dynamics for “Semidesert Sandy Loam (4-Wing Saltbrush)” are grass cover 20-50% (stated as 12.7% at this site), biological crusts 10-50% (stated as .67% at this site), and bare soil cover 5-25% (stated as 41.33% at this site). The stated percentages do fall outside of the desired rates for that type of site. However, when compared to ecological dynamics of the type of AIM site that is a more accurate representation of this area, the stated rates are well within the desired rates for this type of site. Grass cover 3-20% (stated as 12.7% at this site), Biological Crusts 0-40% (stated as .67% at this site), and Bare Soil Cover 15-60% (Stated as 41.33% at this site).¹
5. Inappropriate Comparison Site: The AIM site (BENM-10) was compared to a location in Canyonlands National Park that has not been grazed for decades and shows the presence of undesirable invasive species. This comparison is not appropriate for an area that has been actively grazed and is not invaded by invasive species even though cattle have grazed the area for decades.
6. Speculation on Manure Origin: The document speculates that observed manure is “likely from cattle” without definitive evidence.
7. Misinterpretation of Soil Conditions: The document attributes soil conditions to “excessive compaction/trampling” without considering the area’s historically light use by cattle, which is evident in the photo below showing a thriving rangeland.
8. Selective Data Interpretation: Table K-37 shows a net increase in most measured areas, with the exception of “Bare Ground” (a positive change) and “Perennial Forb/Grass”. The stated results do not reflect conditions throughout the pasture where perennials (mainly Galleta grass) are abundant and thriving and call into question the accuracy and reliability of calculations for “monotonic trend on each 30m x 30m pixel” that only show “a statistically significant change”. This selective focus on a single metric ignores the overall positive trends.

¹ Ecological Site R035XY121UT: Desert Sandy Loam (Blackbrush), Ecosystem Dynamics Interpretative Tool, U.S. Dep’t of Agric. Nat. Res. Conservation Serv., <https://edit.jornada.nmsu.edu/catalogs/esd/035X/R035XY121UT> (last visited Nov. 4, 2024).

The UFBF strongly urges BLM to reconsider the elimination of cattle grazing in John's Canyon. The decision appears to be based on flawed data, mischaracterizations of grazing impact, and a failure to recognize the positive role of responsible grazing in land management. We request that the BLM engage in further consultation with local ranchers and conduct a more comprehensive and accurate assessment of the area before making any decisions that could negatively impact both the land and the livelihoods of our members.

Lack of Collaboration with Permittees

The UFBF has long encouraged livestock permittees to collaborate with their BLM range conservationists. This cooperation increases participation in management, and relationship building would help permittees to proactively identify and address management problems. One of the biggest concerns we often hear from producers with federal grazing permits is that the BLM will act unilaterally to change or remove grazing without considering the economic impact those decisions have on the livestock industry and local producers. In the case of the BENM PRMP, BLM has done exactly that. Many of the decisions related to grazing were made without the producers being aware of the issues the PRMP is supposedly addressing. The decisions appear to be unilateral and unsupported by scientific data. The lack of data presented in the proposed alternatives only fuels the suspicion that the BLM was responding to other pressures that led them to remove or drastically reduce grazing on several allotments.

We cannot overemphasize how this unilateral approach destroys trust between permittees and BLM. We suggest that a more purposeful approach is to work with the permittees to address concerns so that producers can work with BLM range conservationists to address problems before dramatic decisions can negatively affect their ability to ranch. Ultimately, we are concerned about how this decision was made and that it will erode trust between the BLM and livestock producers. We protest this lack of collaboration with permittees and request that the BLM engage in meaningful dialogue with affected ranchers before finalizing any decisions that would significantly affect grazing operations.

Illegal Permanent Retirement of Grazing Allotments

The PRMP's provisions for permanently retiring grazing allotments within BENM violate current federal law. The Taylor Grazing Act of 1934 (TGA) established that lands within Taylor Grazing Districts are "chiefly valuable for grazing." The majority of BENM is located within Utah TGA District 6, meaning the Secretary of the Interior has determined that most of the area is chiefly valuable for grazing. The PRMP allows for the permanent closure of allotments to livestock grazing if the permit is voluntarily relinquished. This provision violates existing federal law, which does not allow for the permanent retirement of grazing allotments unless a detailed environmental analysis shows that those lands are no longer "chiefly valuable for grazing."

We protest this violation of federal law and request that all provisions for the permanent retirement of grazing allotments be removed from the PRMP. The TGA's intent was to establish grazing as the primary use of these lands. Permanently retiring allotments from grazing is contrary to this purpose. Additionally, the lack of National Environmental Policy Act (NEPA) review and appeal rights for what is a significant land use change violates administrative law principles. Accepting

relinquishments and permanently retiring allotments should be subject to normal environmental review processes. The UFBF raised these issues in our comments on the DRMP submitted on June 11, 2024.

Ranching as a Traditional Cultural Property

Ranching and grazing in the Bears Ears region significantly predates both the national monument designation and the establishment of the BLM and USFS. As a long-standing cultural practice, deeply rooted in the area's history and crucial to maintaining the cultural identity of local communities, ranching should be considered for designation as a Traditional Cultural Property (TCP) under the National Historic Preservation Act (NHPA). National Register Bulletin 3818 defines a traditional cultural property as a property that is eligible for inclusion in the National Register of Historic Places (NRHP) based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community.² TCPs are rooted in a traditional community's history and are important in maintaining the continuing cultural identity of the community.

The ranching tradition in BENM, spanning generations and integral to the local way of life, clearly fits this definition. However, the BLM and USFS' actions in shutting down grazing allotments and allowing voluntary relinquishments and permanent retirement of grazing rights appear to lack a thorough analysis of this cultural significance. This oversight is particularly concerning given that Section 106 of the NHPA requires federal agencies to consider the effects of their actions on historic properties, including TCPs. The BLM and USFS' failure to adequately consider ranching and grazing as a potential TCP in its decision-making process regarding grazing allotments raises questions about compliance with federal historic preservation laws and the potential loss of an important cultural heritage. The UFBF raised these issues in our comments on the DRMP submitted on June 11, 2024.

Inadequate Consideration of Local and State Resource Management Plans

The PRMP fails to adequately consider and incorporate local and state resource management plans, particularly those of San Juan County and the State of Utah. This oversight violates the principles of coordination and consistency required by federal law. The Federal Land Policy and Management Act (FLPMA) requires that the Secretary of Interior coordinate land use planning activities with state and local governments. The PRMP does not demonstrate sufficient coordination with these entities. We protest the failure of the BLM and USFS to meaningfully coordinate with local and state governments in developing the PRMP and request that the plan be revised to align more closely with existing local and state resource management plans. The UFBF raised these issues in our comments on the DRMP submitted on June 11, 2024.

Insufficient Analysis of Socioeconomic Impacts

² Patricia L. Parker & Thomas F. King, Nat'l Park Serv., U.S. Dep't of the Interior, National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties (1990), <https://www.nps.gov/subjects/nationalregister/upload/NRB38-Compleweb.pdf>.

The PRMP fails to adequately analyze the full range of socioeconomic impacts that the proposed management actions will have on local communities, particularly the ranching industry. While the PRMP does include limited economic analysis, it does not fully account for the multiplier effects of ranching on the local economy or the cultural significance of this traditional livelihood. The UFBF protests the insufficient socioeconomic analysis and requests that the BLM and USFS conduct a more comprehensive study of the economic and social impacts of the proposed management actions on local communities. The UFBF raised these issues in our comments on the DRMP submitted on June 11, 2024.

Conclusion

The UFBF respectfully requests that the BLM and USFS address these issues by revising the PRMP to:

1. Remove unnecessary restrictions on range improvements and water developments for livestock grazing.
2. Provide full transparency on data used to make grazing-related decisions, including grazing utilization data.
3. Engage in meaningful collaboration with affected permittees before finalizing grazing decisions.
4. Remove all provisions for permanent retirement of grazing allotments.
5. Recognize ranching in the BENM area as a TCP worthy of protection.
6. Better align the plan with local and state resource management plans.
7. Conduct a more comprehensive socioeconomic impact analysis.

We believe these changes are necessary to ensure compliance with federal law, strike an appropriate balance between conservation and the continued vitality of our rural communities, uphold the multiple-use mandate for public lands management, and improve trust and collaboration between the BLM, USFS, and livestock producers.

Thank you for considering our protest. We look forward to your response.

Sincerely,



ValJay Rigby
President
Utah Farm Bureau Federation