

28 May 2019
5141 W. Terra Way
McNeal AZ 85617

Director (210)
Attn: Protest Coordinator
PO Box 71383
Washington, DC 20024-3183

Re: San Pedro Riparian National Conservation Area, Proposed RMP/FEIS

Dear Madam/Sir:

My interest in the SPRNCA and its management began some 45 years ago with the beginning of the citizens campaign that led to designation of the SPRNCA by Congress, and has continued to the present day.

As someone who has visited the SPRNCA throughout its existence to enjoy the plant and animal life, I have been more than disappointed (personally distressed, emotionally and intellectually, would be a better description) by past failures of the BLM to comply with the law and would be even more so if the mismanagement proposed in the PRMP were to go into effect.

I have a visceral dislike of seeing cattle and their effects (trampled riverbanks, excrement, broken fences, etc.) in this natural area intended to be cow-free, and seeing roads and trash left by tourists along trails. The very concept of wild animals in the area being shot I find disgusting. And I have a similar reaction to knowing that the agency is not respecting the letter of the law I had a hand in writing.

My grounds for filing a protest of the PRMP are some of the same grounds as my criticism of the Draft RMP/EIS (DRMP) in my comments to the BLM (22 Sept 2018), namely, that the agency is proposing to manage the SPRNCA in ways contrary to the clear intent of the enabling legislation.

The establishment clause of the legislation clearly states that the purpose of the SPRNCA is "to protect the riparian area." A few sentences later, the legislation says that BLM can reject management options, including those normal under FLPMA, that do not further that purpose. (PRMP II. Appendix B, and my 22 Sept 18 comments, pp. 1-2).

Yet, the agency continues to discount the overarching primacy of that directive to "protect the riparian area" by (1) placing emphasis instead on its charge to "conserve, enhance and protect" the particular component resources and resource values of the SPRNCA (PRMP I, p.1-3, 1-10, Table 1-2, et *passim*), calling that charge the "primary purpose" as though it were not distinct from and subsidiary to the actual primary purpose stated in the Establishment Clause; and (2) interpreting that charge less in terms of protection than in terms of potential use of those

resources — including uses which are detrimental rather than protective.

For instance, in its introductory pages, the PRMP states that the BLM "seeks to balance resource protection and public use," (PRMP I, 3rd unnumbered prefatory page), but the enabling legislation is clear that the purpose of the SPRNCA is not any such "balance" but protection, period. Although management may seek balance among various uses and values, the legislation does not contemplate exposing the SPRNCA itself to such compromising efforts.

BLM's misguided proposal does not stem from analysis of ecological needs of SPRNCA protection but, rather, principally from bureaucratic subservience to orders from DOI headquarters sent in the form of memos to its agencies throughout the US directing them to increase commodity resource outputs on public lands (cf. Secretarial Order 3356, 15 Sept 2017, referenced in my 22 Sept 18 comments, p.4). The dicta of these memos, far from addressing specific needs of the SPRNCA, are unabashedly concerned more with party-line consistency and ideological adherence than site-specific ecological realities.

The BLM's implementing of these memos — leading to subsequent misinterpretation of, disinformation about, and nonconformance to the law — is apparent in its insistence on continuing cattle grazing in the SPRNCA; expanding areas open to hunting with firearms (one of the commodity uses specifically mentioned in the DOI memos); and releasing thousands of acres from LWC status to less protective modes of management.

The proposal to continue grazing on 7000 acres is made not only in defiance of overwhelming public objection and voluminous scientific data (including some of BLM's own studies; see references in my 22 Sept 2018 comments, and in PRMP public comments section, *passim*) presenting undeniable weight of evidence about the deleterious effect of grazing on southwest rangelands in general and the SPRNCA in particular, and beneficial effects of removing cattle (see PRMP I, public comments, *passim* and, in particular, the Krueper study cited in many of the comments including my own, at p.4); but in disregard of BLM's own admission that over half of those 7000 acres are below rangeland health standards despite 30 years of BLM management (Table 3-16).

Not only does the agency propose to continue grazing allotments on those 7000 acres, but it also proposes to allow grazing, not in the name of "livestock foraging" as such, but as what it calls "targeted grazing," a "biological control" for vegetation management, for fire prevention, to maximize runoff, and/or for (problematically) "restoration" (Table 2.5.4, pp.3-37/39) of land the agency considers "invaded" by brush.

Yet, the "brush invasion" hypothesis in regard to semi-arid grasslands has long been a matter of scientific controversy, and the BLM doesn't (and cannot) provide proof that any "uninvaded" grassland ever existed. Rather, it is widely recognized that the semi-desert rangelands of the Southwest, including those of the SPRNCA, have long been a mixture of brush and grass, with one vegetation type dominating ("invading") the other in an alternation of climate cycles over

centuries, brush being favored in warmer drier times like those of the present era (and those predicted for the future by climate change models), and especially favored on lands where cattle have over-grazed the grass.

Although the PRMP claims that targeted grazing would be only on "discrete areas" and negative effects would be "negligible" (p.3-42), the PRMP potentially allows such grazing-by-another-name on 20,000-40,000 acres, i.e., up to 70% of the SPRNCA (Table 3-15).

The agency's bias toward use over protection is also apparent in its proposal (PRMP I, Section 3.2.1.1, Table 3-44) to release over 24,000 acres of the SPRNCA from the highest status of protective management (that is, from management that most closely meets the protection directive of the Establishment Clause), namely, as Lands with Wilderness Characteristics (LWC), opening these relatively pristine lands to various degrees of recreational use, including campsites and motorized access (cf., p.3-104) permanently impairing their wilderness characteristics.

As the PRMP notes in a syntactically awkward and generally self-contradictory passage (pp.3-101/105), "in general, management of the primary purposes for which the conservation area was established. . . is generally compatible with wilderness characteristics," and claims that under the proposed management practices "wilderness characteristics would be largely preserved by provisions of P.L. 100-696 and other resource allocations to further purposes of the NCA" — but then, after noting that "activities that effect a unit's size or roadlessness would diminish the presence of wilderness characteristics," states that those incompatible activities are precisely the kinds that would be allowed in or adjacent to the units (including grazing, motorized travel and campgrounds).

Similarly, the PRMP (p.1-11) would allow hunting with firearms throughout the SPRNCA (Table 2.5.12, p.2-51) on, or within gunshot range of, parts of the SPRNCA already heavily visited by thousands of people and which would be visited by even more if recreational use were increased as proposed.

Hunting of wildlife is clearly not protective of the SPRNCA resource, but quite the opposite, an extractive commodity use as called for in the DOI memos. Furthermore, hunting is objectionable in and of itself to a high percentage of the public who frequent the SPRNCA, most of whom are there to enjoy the wildlife in a protected setting. In addition to significantly lessening this public's enjoyment of the Conservation Area, given that the SPRNCA is a fairly narrow strip of land easily traversed by discharges from rifles, the proposed increase in areas where hunting is allowed would present a clear and present danger to the security of visitors (the proposed enlargement of the non-shooting area around San Pedro House is hardly enough to be protective even of that most-visited site). Rather than being allowed in more of the SPRNCA, hunting should be disallowed throughout, as was preferred by a large majority of the public who raised the issue in their comments on the DRMP.

For these and other reasons, as stated in my earlier comments, the BLM's PRMP should be

rejected and the agency required to issue an RMP that adheres to the primary, protective, purpose set forth in the Establishment Clause of the enabling legislation.

Sincerely,

Michael Gregory

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