

1/29/96

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January 20, 1996

Bureau of Land Management
705 Hall Street
Susanville, California 96130

Attn: East Lassen Plan

Re: Comments to "Preparation Guide for the East Lassen Management Plan" (Preparation Guide) dated September 1995, and to "Public Workshops Scheduled for East Lassen Plan" dated January 12, 1996.

Dear BLM:

John Espil Sheep Co, Inc. is a small family owned corporation. The corporate stock is owned by Joyce Espil of Eagleville, John & Carolyn Espil of Susanville, Brent & Vicki Espil of Gerlach, and Tom & Jeanne Espil of Eagleville (hereinafter referred to as the "Espil Family").

The Espil Family owns and controls private land, mineral rights, water rights, and Grazing Preferences within the Twin Peaks Allotment and other grazing allotment(s) within the Susanville Grazing District. They have owned and/or controlled these various rights and entitlements in whole or in part since 1960. These rights and entitlements overlay approximately 425,000 acres of the intended 1.4 million acres of the proposed East Lassen Management Area (Area); this equates into approximately 30% of the proposed Area. We have participated with the Bureau of Land Management, California Department of Fish and Game, and Natural Resources Conservation Service, on public lands and on our private lands, in the enhancement of riparian and wildlife habitat, and have been instrumental in obtaining significant funding for riparian projects within the Twin Peaks Allotment. Therefore, the Espil Family is a significant stakeholder and an affected interest within the proposed Area.

The Espil Family opposes the proposed "East Lassen Management Plan". This opposition even goes beyond the adoption of the "Current Management (No Action) Alternative" expressed on page 13 of the Preparation Guide. The Espil Family contends that even the INITIATION of this process is ridiculous in light of (1) the limited resources of the government, including the BLM, (2) the lack of even current resources to finance and to man the necessary monitoring and implementation of the existing Land Use Plans, and (3) the lack of baseline information and updated baseline information on the whole of the Area. We seriously submit this process should be abandoned, and instead, that the significant resources which are intended to be dedicated to this process be used to monitor and to implement the existing Land

Use Plans and Activity Plans. The Espil Family intends, through these comments and others, to influence the necessary publics and public officials to stop this ridiculous expenditure of public money and public manpower.

Notwithstanding, the Espil Family also opposes the continuation of this process until relevant information is provided by BLM to the interested publics, including the Espil Family. The suggestion that the BLM, other agencies, and the interested publics, including the Espil Family, can meet within a "Workshop" environment to competently speak to this "Preparation Guide" is absurd, unless or until BLM, through careful and considered consultation, cooperation, and coordination, deals with the following:

(1) BLM suggests in the Preparation Guide at page 3 that "(m)any people are concerned with BLM's management within this Area". If true, BLM should produce and document these alleged "concerns", and express and document those alleged "concerns" to the public within a written document. The Espil Family is very interested to know (a) WHO has concerns, (b) WHAT are the concerns, and (3) ARE the concerns based upon and supported by monitoring, or merely an emotional concern? The answers to these important questions, if any exist, can more appropriately identify for the interested publics in a "Workshop" environment, what is the PURPOSE, if any, of this process.

(2) BLM suggests in the Preparation Guide at page 3 that "(m)any people are concerned with . . . the apparent competition among livestock, wildlife, and wild horses and burros for the vegetative resources existing there." If true, BLM should produce and document these alleged "concerns", and express and document those alleged "concerns" to the public within a written document. The Espil Family is very interested to know WHAT conflicts exist, if any, and WHERE on the 1.4 million acres, if anywhere, such concerns are true? The answer to these important question, if any exist, can more appropriately identify for the interested publics in a "Workshop" environment, what is the PURPOSE, if any, of this process?

(3) BLM suggests in the Preparation Guide at page 3 that there exists "apparent inconsistencies and shortcomings in existing BLM plans". If true, BLM (a) should produce the applicable "BLM plans", and (b) should identify the specific Land Use Plan Decision(s) which are inconsistent and/or have shortcomings. The Espil Family is very interested in REVIEWING these BLM Plans and to know WHICH specific Land Use Plan Decision(s) are inconsistent or have shortcomings. The production of these documents and the answer is this important question can more appropriate identify for the interested publics in the "Workshop" environment, what is the PURPOSE, if any, of this process?

In addition, the suggestion that anyone can meet within a "Workshop" environment to competently speak to this "Preparation Guide" is also absurd, unless or until BLM deals with the following:

(1) WHY ARE WE DOING THE EAST LASSEN PLAN/EIS? The Preparation Guide asks this question. Many others too have asked this question. The Espil Family, Nevada Division of Wildlife (NDOW), California Department of Fish and Game (CDFG), Wild Horse Organized Assistance (WHOA), Nevada Commission for the Preservation of Wild Horses, the Sierra Club - Toiyabe Chapter, and other concerned individuals asked

this vary question during initial scoping meetings. All of these entities opposed the amending of the existing Land Use Plans. Instead, all of these entities advocated the "getting to work" on the monitoring and implementation of existing Land Use Plans. A classic example of this is BLM's refusal to create an East Lassen Deer Herd Plan, which is clearly authorized by the existing Cal-Neva Land Use Plan, and which was agreed to in a written agreement between BLM, NDOW, CDFG, and Espil Family in 1989. To date no herd management plan has been completed nor implemented on the ground.

The Preparation Guide erroneously answers its own question, when it says that the reason for the East Lassen Plan/EIS is that the existing Land Use Plans are "not meeting the expectations of many people". As expressed in the scoping meetings by the above entities and others, WHAT is not meeting the expectations of many people is BLM's refusal to act upon the management of habitat which is already allowed and prescribed by the existing Land Use Plans. No one expressed dissatisfaction with the current plans -- this assumption is a creation of certain employees of the BLM.

(2) The Espil Family and others have repeatedly asked for the documentation and data presentation which informed the BLM that a change in the Land Use Plans must occur. "Inconsistencies" among different Land Use Plans is the norm, not the exception, because different Land Use Plans deal with different resource needs, conditions, and environments. "Inconsistencies" between the three plans cannot therefore serve as a reason for any modification of ANY of the plans. Bob Schweigert of Intermountain Range Consultants repeated this request for documentation and data which allegedly required the alteration of Land Use Plans to Jeff Fontana on January 19, 1996, and Mr. Fontana acknowledged we have made this repeated request and BLM has not answered.

(3) The Preparation Guide purports that the "new" plan will somehow magically allow for management actions to be implemented in a timely manner. The current Land Use Plans do not create any conflict which does not allow the timely implementation of their provisions. As a matter of fact, the creation of a new Land Use Plan will slow, not speed up, the on-the-ground actions, because among other reasons, the BLM will have already exhausted or certainly depleted its own operating funds.

(4) The Preparation Guide neglects to inform the reader that the creation of the East Lassen Plan, if it proceeds, will create more, not less, discrepancy and inconsistency between the Land Use Plans applicable to the Alturas, Surprise, and Eagle Lake Resource Areas (assuming any now exists). The reason for this is that the "East Lassen Area" is only a portion of the respective Resource Areas. If BLM creates within these Resource Areas a "doughnut hole" called the East Lassen Area, then another set of planning goals and objectives will be created. This will result in now six sets of planning goals and objectives; 2 for each Resource Area to manage inside and outside the East Lassen Area. The Espil Family pointed this problem out to BLM in the initial scoping meetings, but it seems that the BLM wishes to ignore this problem.

(5) As previously stated, the Espil Family (as well as others) contend that BLM has not done enough to implement the existing Land Use Plan provisions for either wildlife, wild horses, or livestock. The answer to BLM's failure to implement the existing plans, however, should not be the creation of a new partial plan -- it is to get

on with the existing plans. Everyone pointed out in the scoping meetings that this planning effort is a waste of time and money, and that such time and money would be better spent in implementing the existing habitat improvements on the ground, i.e., range improvements, prescribed burns, spring developments, water impoundments for livestock and wildlife, seedings for wildlife and livestock, and so on. We continue in that position.

(6) The Preparation Guide at page 4 purports that the current planning effort will "ensure the long-term sustainability of healthy and productive rangelands." We submit, once again, as we did during the scoping meetings, that the existing Land Use Plans already ensure this. It was with exactly that intent that the existing Land Use Plans were created. Therefore, unless or until BLM demonstrates with monitoring and analysis that the management actions proposed by the existing Land Use Plans are not capable of achieving the aforementioned goal, then we oppose any alteration thereof.

However, if this process is to continue, then BLM must begin by identifying what the ecological condition is. The answer to this important question can more appropriately identify for the interested publics in a "Workshop" environment what is the existing condition. It may very well be that the existing condition is already the "landscape" that the interested publics want. Further, BLM must identify what the site-specific potential is within the Area within a given timeframe. The answer to this important question can more appropriately identify for the interested publics in a "Workshop" environment, what are the possible and practical potentials of the Area within a specific timeframe. The Espil family is informed by credible range scientists that there exist thresholds in the vegetative resource which prohibit or inhibit certain changes to that resource. Alternative A proposes to emphasize perennial grasses; Alternative B proposes to emphasize a mix of grasses, forbs, and annual forbs; and Alternative C proposes to emphasize more shrubs (and appears to de-emphasize perennial grasses and forbs). How can the interested publics in a "Workshop" environment select any alternative unless it knows whether the potential exists for any or all of the alternatives within a reasonable time period, or whether or not such "landscape" already exists?

(7) The Preparation Guide purports to state 4 purposes for this East Lassen Plan/EIS. We comment on these purposes as follows:

PURPOSE: Reduce conflicts among authorized (and sometimes competing) uses of the public lands within the management area.

COMMENT: The existing Land Use Plans already prescribe actions and objectives to accomplish the goals of the BLM in the respective Land Use Plans. Competition only occurs when there exists a relative scarcity of resources which different users must have, and then only if the need exists at the same place on the landscape and at the same point in time (or if use by one results in a scarcity later for the other). This can only be identified by analysis of properly collected data, which BLM has so far not accomplished or revealed to the interested publics. Conflict only occurs when the competition limits the production of one commodity or use to below the demand for that commodity's use. Again, BLM has not demonstrated by analysis of any data any conflict resulting from the respective provisions of the respective Land Use Plans.

PURPOSE: Improve the effectiveness of BLM's management authorizations, approvals, and actions to achieve desired future landscapes.

COMMENT: The "future landscapes" were identified in the existing Land Use Plans, in terms of ecological condition, habitat condition, etc. for respective units of land covered by the respective Land Use Plans, and the actions (AMPs, HMPs, etc) necessary to accomplish those landscapes. Until and unless BLM demonstrates that the actions and provisions of the existing Land Use Plans (once implemented) somehow impair the effectiveness of its authorizations and approvals, there can exist no reason to change the Land Use Plans. Furthermore, BLM has failed in any scoping meeting or in the Preparation Guide to demonstrate how the creation of the "doughnut hole" East Lassen Plan will improve its effectiveness. To the contrary, when one set of standards exists literally across a dirt road from another set of standards, sometimes within the same allotment, BLM's effectiveness will be diminished, not improved.

PURPOSE: Amend existing Susanville District land use and activity-level plans to reflect decisions made through this public planning effort.

COMMENT: This is simply a product of and for this process, not a purpose for it.

PURPOSE: Improve the opportunities for everyone concerned to collaborate on improvement of natural resources in this region.

COMMENT: Again, this is simply a product of and for any Land Use Planning process, including the existing Land Use Plans, not a purpose for it.

IN SUMMARY, a Table in the Preparation Guide at page 18 best illustrates and documents the premature stage of this "Workshop" activity. The Table admits that the BLM is still within the "Inventory Data, Collect Information" process, and within the "Analyze Management Situation" process. It is simply ridiculous for the publics, including the Espil Family, to be asked to comment upon or refine broad Alternatives until BLM has produced answers to the questions asked during scoping and asked again above, and completed the "Inventory Data, Collect Information" and "Analyze Management Situation" processes.

Again, we urge you to abandon this process altogether, or if not, to suspend this process until you have produced the relevant information so the publics, including the Espil Family, can make informed choices on the range of Alternatives proposed.

Very truly yours,

JOHN ESPIL SHEEP CO., INC.

by John Espil

cc: Congresswoman Vucanovich
Congressman Herger
Lassen County Board of Supervisors
Modoc County Board of Supervisors
Washoe County Commissioners
Modoc National Forest
BLM Winnemucca District
Al Wright, CSO, BLM
NDOW
CDFG
Sierra Club - Toiyabe Chapter
WHOA
Commission for the Preservation of Wild Horses