

December 30, 2015

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**NOTICE OF APPEAL, STATEMENT OF REASONS, APPEAL, STANDING,
PETITION FOR STAY of the DNA and Decision Record of Wells Field Office (Elko
District) Manager Melanie Petersen for “Upper Spruce Chaining”**

WildLands Defense (WLD) and Deep Green Resistance (DGR) file this Appeal and Petition for Stay of the Wells Field Office, Elko Bureau of Land Management (BLM) Project entitled “Upper Spruce Spring Mastication and Chaining” DOI-NV-EO-2015-0020-DNA. This authorizes bulldozing and destruction of pinyon-juniper forests occupying 650 acres of public wild lands. The DNA signed by Melanie Petersen and others on various dates is tiered to an older programmatic EA, DOI-BLM-NV-E000 – 2011-0501-EA and 2012 Decision. This Appeal is pursuant to all applicable authority, including the Federal Land Policy Management Act (“FLPMA”), 43 U.S.C. §§ 1701 et seq., the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321 et seq., and implementing regulations of the BLM and Department of Interior, including 43 C.F.R. § 4. Pursuant to 43 C.F.R. § 4.410, 4.411 4.412, and 4.413, Appellants Petition for Stay of the challenged decision.

In November 2015, Appellants visited the Spruce Mountain area to observe native pinyon-juniper forests and observe wildlife. We encountered vast chained areas, with the forests and wildlife habitat laid to waste. WLD’s Fite contacted BLM Manager Petersen, who said she did not know about chainings at Spruce, and this must have taken place

under a previous Manager. Weeks later, we discovered that BLM had posted this new DNA and Decision for chaining and/or mastication deforestation on its web site, and that Manager Petersen's signature was stamped on it in October 2015.

Old growth pinyon-juniper similar to destroyed trees.



Pinyon-Juniper Laid to Waste by BLM Chaining "Treatment" at Spruce



STATEMENT OF REASONS

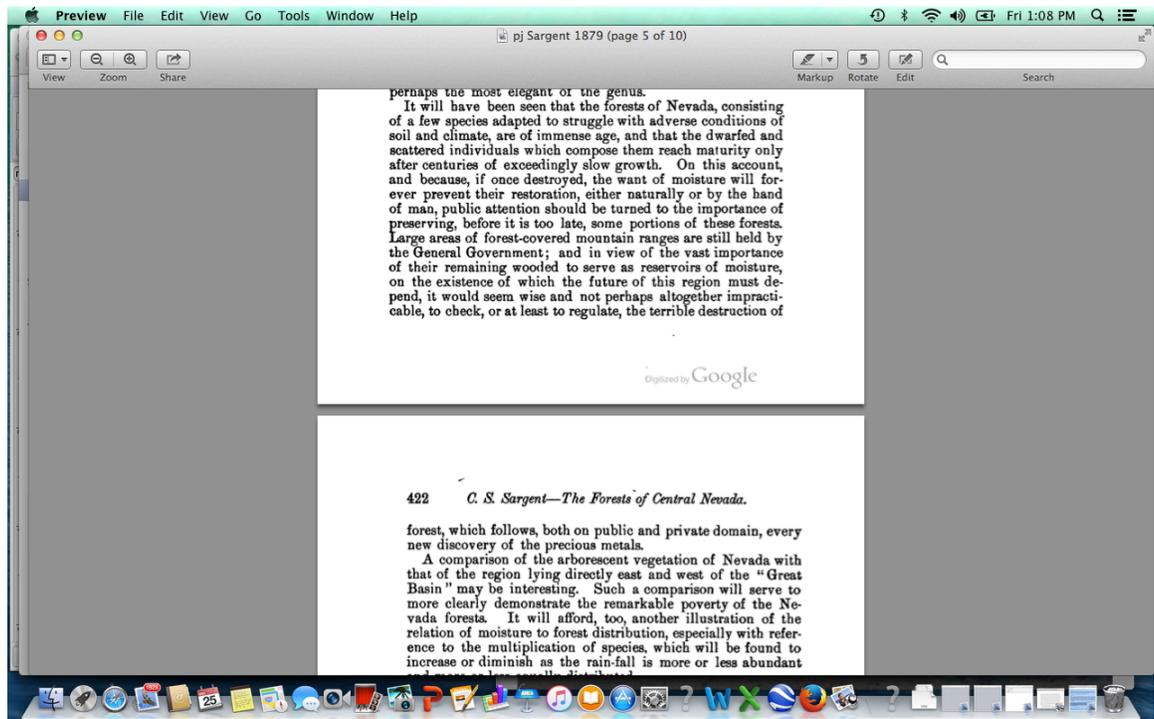
BLM's DNA Ignores the Historical Record

There is no evidence that pinyon-juniper has expanded dramatically, if at all, in the arid forested Spruce Mountain landscape (Lanner *The Pinon Pine* 1981, Young and Svecjar 1999, Lanner and Frazier 2012, Lanner 2012). The Spruce region underwent significant 1800s and early 1900s mining era deforestation, and has suffered long-term abusive livestock grazing and other human disturbance.

<http://www.ghosttowns.com/states/nv/sprucemountain.htm> *its history begins in 1869 with the discovery of lead-silver ore.* <http://www.exploringnevada.com/scenic-drives/sprucemont-scenic-drive.php>

and a new mining entity <http://cumoco.com/projects/spruce-mountain/>

In visiting Nevada during this era, Sargent 1879 lamented the magnitude of deforestation in *The Forests of Central Nevada*.



Spruce is also in proximity to railroad lines that used very large amounts of wood.

<http://oregonstate.edu/dept/eoarc/sites/default/files/publication/443.pdf> , Young and Svejcar (1999) *Harvesting Energy from Great Basin Woodlands* also describes 1800s era impacts across the region, and the widespread practice of promiscuous burning by stockmen.

Across the region, the large-scale deforestation associated with settlement (Lanner *The Pinon Pine* 1981, Young and Svejcar 1999, Lanner and Frazier 2012, Lanner 2012) was accompanied by serious erosion, watershed degradation, perennial water flow loss and calamitous impacts to the habitats and populations of many wildlife species. Grazing impacts and deforestation acted synergistically. Spruce has suffered chronic intensive degradation and disturbance from livestock grazing, which exerts great stress on arid plant communities. Mack and Thompson (1982), Fleischner 1994, Belsky and Gelbard 2000, Beschta et al. 2012, 2014.

Early exploration and scientific records, new scientific investigation of historical accounts, and Interior's own General Land Office survey records verify the historical prevalence of pinyon-juniper forests. Settlement of the region ran on wood. Since that era, trees in some sites

have re-occupied sites where they were cut for charcoal, fuelwood, fence posts, railroads and other uses, or other sites where they were burned in fires set by stockmen trying to increase grass on ever more depleted ranges. The forests now face significant new threats of warmer temperatures associated with climate change, drought and other stressors.

Bukowski and Baker (2013) reviewed largely sagebrush vegetation communities in 1800s General Land Office survey records across significant portions of four western states to examine fire return intervals, and found dense sage was prevalent, and sage was often adjacent to forested vegetation. These fire return intervals based on historical records sharply differ from those of the “Ecosite” models and fire intervals used to justify treatment by BLM. See also Baker Chapter in Knick and Connelly 2009/2011, *Studies in Avian Biology*. Other Baker papers describe the flaws in fire studies of forests like those of the narrow range of “range” sources BLM relies upon – for example, biased pre-selection of sites with obvious fire scars. Foresters recognize that PJ fire return intervals often span several centuries, and that persistent pinyon-juniper forests naturally burn in stand replacing fires. Bauer and Weisberg 2010, Lanner 2012.

BLM’s Own Past Spruce Treatments Impacts Ignored.

A later era of deforestation took place in the 1950s-1970s. BLM and the Forest Service destroyed vast areas of trees and sagebrush to try to eke out more forage for domestic livestock on depleted public lands. Lands were re-seeded with weedy crested wheatgrass and other exotic cattle forage grasses. (Lanner *The Pinon Pine*, Braun 1998, Connelly et al. 2004, *Conservation Assessment for greater Sage-grouse*). These treatments also led to large-scale declines in sage-grouse. In some sites at Spruce, trees are re-occupying sites that BLM itself had previously destroyed in treatments, but this more recent history is also ignored. In the early 2000s, BLM undertook new sage destruction and forage projects and began new deforestation at Spruce.

The DNA is blind to the historical record. BLM uses incorrect ecological assumptions. BLM seeks to radically alter crucial areas of the remaining arid forest in this very important area of public lands. This parallels the global pattern of deforestation for “forage” production. Steinfeld et al. 2006. David Charlet describes the bleakness of these landscapes http://www.fs.fed.us/rm/pubs/rmrs_p052/rmrs_p052_005_024.pdf

BLM ignored recent scientific reviews of poor outcomes of deforestation “treatments”. Jones et al. 2013 found that the outcome of both sage and pinyon-juniper manipulation often does not achieve the agency’s promised goals.

Spruce sites that BLM claims are being “invaded” and “encroached” are in reality lands where trees have naturally re-occupied elevation and precipitation zones where forests grow. Pinyon-juniper is the native climax vegetation across much of Spruce Mountain. It is complexly interspersed with low sage and other sage communities. A long series of haphazard past BLM deforestation and sage destruction “treatments” had already been conducted to placate ranchers who sought killing of trees and sagebrush to promote livestock forage. Valley Mountain is a small range to the west where BLM chaining destroyed very old small trees around 10 years ago. Instead of keeping this highly significant landscape intact, BLM hacked up the sage with forage seedings, and now is again incrementally destroying the forest.

DNA Ignores Magnitude of EA Deforestation and New Threats Facing Biota.

The DNA is tiered to a 2012 largely programmatic deforestation EA. The EA scheme entailed large-scale expenditure of federal funds to try to eradicate native pinyon-juniper vegetation and sage, and “farm” public lands for the supposed benefit of hunted animals (and livestock). BLM proposed a battery of destructive, cheatgrass-causing non-selective “scorched earth” methods of tree destruction (also killing sage as collateral damage). These included cheatgrass-causing fire, “mechanical” methods that include

destructive masticator heavy equipment machines, bulldozer chaining and chainsaw cutting. BLM even proposed use of persistent and toxic chemical herbicides that cause cheatgrass proliferation - across 10,000 acres of a vast wild land project area.

In adopting the 2015 DNA, BLM ignored a broad range of historical records on deforestation; current ecological science that shows risks of irreparable damage from scorched earth deforestation “treatments”; growing public concern:

http://www.earthisland.org/journal/index.php/elist/eListRead/great_basin_pinyon-juniper_forests_under_threat/

<http://sandiegofreepress.org/2015/12/pinyon-juniper-forests-the-oldest-refugee-crisis/> .

There is overwhelming global concern about climate change and the role of deforestation (and grazing which deforestation aids) in causing global warming. BLM ignored the increased and often synergistic stress that climate change is exerting on vegetation communities at Spruce.

An increasing threat of landscape-devastating mining activity looms. Just to the west, in the Pequops Range, a massive new gold mine is wiping out wildlife habitat.

http://www.blm.gov/nv/st/en/info/newsroom/2015/april/elko_blm_approves.html ,
http://www.westwendovercity.com/resguide/news_detail.php?news_id=255

Mine claims were filed at Spruce at the time of the 2012 EA, but BLM downplayed any threat of mining here or in the Pequops Range (BLM Manager B. Fuell, pers. comm. Fite). Now, this has changed with gold panning out in the Pequops. A Google search reveals proposals at Spruce <http://cumoco.com/projects/spruce-mountain/>

The Spruce Mountain molybdenum-silver porphyry project is located in North Eastern Nevada, USA, about 40 miles south of Wells, 25 miles north of the town of Currie.

BLM also has issued Oil and Gas leases in the Spruce region (Nevada BLM Oil and Gas lease Sales 2010-2015). The Geocommunicator site shows three 2013 lease parcels. <http://www.geocommunicator.gov/blmMap/Map.jsp?MAP=SiteMapper>

BLM’s DNA Is Blind to Forest Values, and Serious Harm Caused by Heavy Equipment in Fragile Spruce Landscape – Contradicting Its Recent Trespass Action.

BLM has now recognized a “value” for the trees the DNA would take, destroy and waste, and awakened to the serious adverse impacts of bulldozing at Spruce. In 2015, BLM issued a Trespass Decision assessing the value of trees destroyed by a livestock permittee (Spruce LLC/Pickens) in bulldozing extensive cattle water pipelines. Ms. Pickens purchased the Spruce permit hoping to release BLM captured wild horses but rancher resistance thwarted that effort so cattle grazing is taking place.

This damage occurred right by the DNA lands of the Upper Spruce Spring proposal. BLM issued a trespass/damage bill for > \$120,000. BLM stated: *The bladed areas were at Basco, Spruce and **Spruce Spring**. Much of the areas was undisturbed before the blading. BLM discovered “unauthorized bulldozing and blading”; “over a dozen areas on the public lands were cleared to a width of 60 feet”; “1.6 acres of public land were excavated, bulldozed, or otherwise illegally disturbed ...”; “these actions were not accidental or inadvertent, and required significant effort to carry out”; “over 685 trees on public land were destroyed and left in slash piles over 8 feet tall”; side slopes on public land were bladed to a depth of 6 feet”; “no reasonable person could have interpreted this level of disturbance as falling within the scope of authorized maintenance activity”; “rehabilitation and stabilization costs total \$65,472 and will include recontouring earthwork to reduce erosion reseeding of herbaceous species to limit invasives and to restore damaged vegetation communities’, replanting ..., and travel management to limit unauthorized crosscountry travel”. BLM specifies “significant erosion risk associated with blading and clearing of previously undisturbed public lands ...” on 26-28 acres.*

BLM assessed damages at \$127,910, and “*three times the market value of the trees*” was \$39,402. This demonstrates that BLM believes that 685 trees on 26 acres are worth > \$13,000. This is a value of > \$500 per acre of forested vegetation. The DNA would destroy 650 acres of forested vegetation, a value of \$342,000 (or if estimated as BLM did for Pickens a value of over a million dollars). Plus under the DNA, BLM will pay a contractor hundreds of dollars per acre to destroy the trees, further increasing the cost of this latest horrific chaining at Spruce. The 2012 EA laid the basis for destroying trees on 10,000 acres, an apparent value of 5 to 15 million dollars wasted. Much of this damage, sadly, appears to have now taken place (and is visible on satellite images).

“The market value for each height class is a published value established by the BLM for the permitted live take of specific trees”. ‘The fair market value of trees destroyed was \$13,134’. Then BLM multiplied by 3 because of the excessive “trespass” damage.

BLM used Division of Forestry values: *0-6 ft tree [no matter how old)] \$3 value; 6-12’ tree: \$12 value; 12+foot tree \$24 value.* BLM never even bothered to value the loss of pine nuts for wildlife (or human harvest) or the wildlife habitat, aesthetic and other values of the PJ forests. Since BLM’s own recent PJ chaining destruction at Spruce was vividly apparent, Spruce LLC’s Protest of the trespass pointed out BLM’s own destruction of trees:

“Moreover, SGA denies that the trees in question had much, if any, market value, given they were largely juniper species ... it is interestingly noted that ... BLM spent thousands if not tens of thousands of dollars [likely MUCH more than that] removing junipers in the last few years immediately adjacent to the area in question ...”.

This reflects the regrettable rancher view of junipers as weeds. BLM replied:

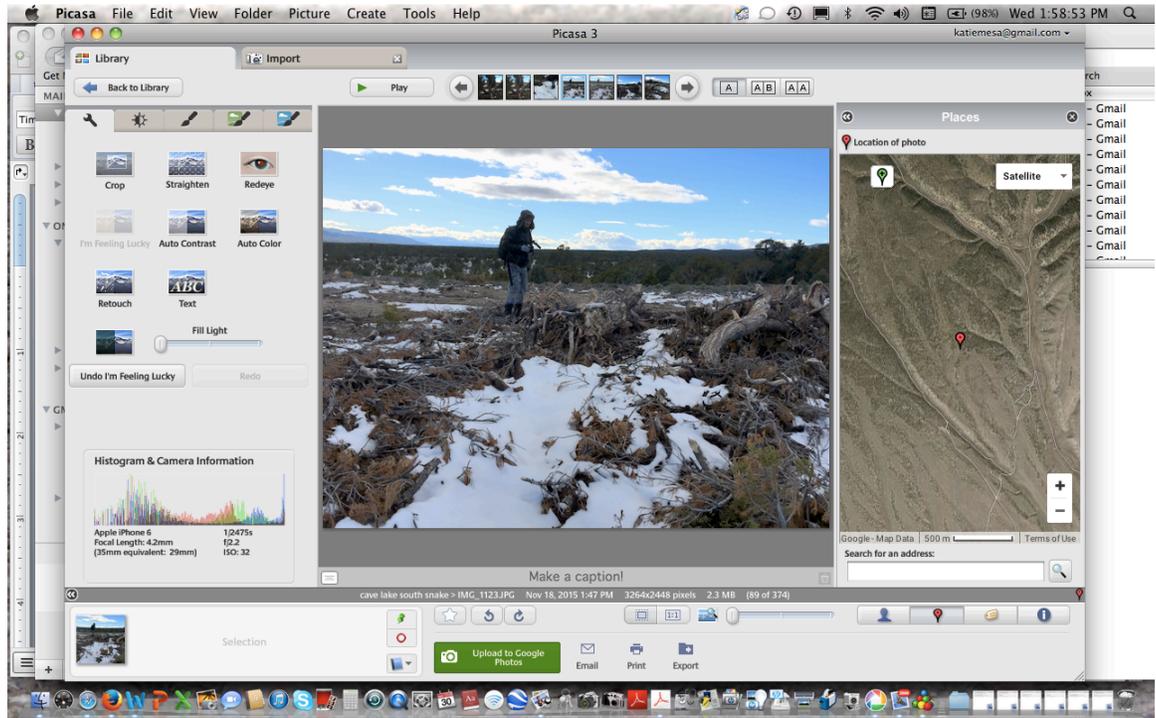
... the “damages assessed for trees are based on their fair market value .. SGA’s suggestion that juniper trees have no fair market value is incorrect”.

... “while there may be situations where BLM may implement woodland management to thin juniper or other tree species, before any trees are removed, the BLM goes through a NEPA process, specifically analyzing the effects of any proposed tree removal. Nor is it appropriate to remove or thin juniper trees in all situations, even as part of an active juniper woodland management project”. [Chaining is not thinning].

BLM trespass documents included photos – many showing soil and vegetation damage that is similar to what has taken place across much of the existing chained areas. See Appeal Photo Series 1 and 2. BLM told SGA that it had damaged sage-grouse habitat, but the DNA claims there is no sage-grouse habitat present.

Any reasonable person would look at the waste, damage, destruction and “take” of live mature and old growth pinyon-trees in the immense new chainings at Spruce and consider this to be undue degradation and wanton waste of trees, wildlife habitat and public land. Appeal Photo Series 1 and 2 show: Extensive bladed soil exposed to erosion in wind and water, including soils on slopes; Destruction of areas that were inhabited by thousands of trees across (photos are of one small part of the chaining areas visible while

driving into the site as far as possible under snowmelt conditions); destruction of mature and old growth and mature trees. There are hundreds if not thousands of acres of destroyed chained (and likely other “treated” acres) – with destruction and “take” of magnificent old trees in the past couple of years. Current Google Earth satellite images show existing chaining devastation over a very broad landscape. Note pale linear and block deforested areas visible in satellite mapping.



The 2015 DNA approved deforestation and tree destruction across 650 acres. But there was no review of scientific information; the impacts of the massive new treatments that had just taken place; value of the trees (as recognized by the trespass figures); aesthetic value; wildlife habitat use and value; or cultural values to be destroyed.

Cultural and Historical Values Jeopardized by DNA.

Important cultural and historical values may be destroyed. The very important Spruce cultural locale is being torn apart by “treatments”. In the remaining areas of trees, there is very old downed wood. Standing still-live trees have very old limb cuts, or other evidence of long ago human impacts. The Spruce landscape has highly significant cultural values. See Hockett and others, and ACEC proposal long in BLM files.

<http://www.bryanhockett.com/antelope-traps.html>

<http://www.pcas.org/documents/PronghornHunting.pdf>

<http://nebula.wsimg.com/3da9973c9bb3a5e8d3ea6cc84a8cb323?AccessKeyId=1A2990B5880812B2286E&disposition=0&alloworigin=1>

In its EA for OHV trails in Spruce in 2004, BLM described Spruce archaeological sites including Native American Pine Nut harvest camps:

The proposed Spruce Mountain Trail and alternatives are located within the traditional territory of the Western Shoshone. At this time, it is believed that limited specific traditional/cultural/spiritual use documentation exists for the areas of impact and thus, communication and coordination with local tribal entities has been initiated. Communications with local Western Shoshone tribal entities have determined that the Wells Band of the Te-Moak Tribe of Western Shoshone will be the most active participant in addressing tribal issues and concerns within the areas in question. Detailed tribal participation, communication, and coordination files are located at the BLM Elko Field Office and are considered strictly confidential.

Having been a major hunting corridor utilized by Western Shoshone hunters in the past, the Spruce Mountain area is the site of multiple antelope traps, hunting/pine nut camps, and associated hunting and gathering implements (points, etc...). It is the belief of many Western Shoshone that "artifacts" left by their ancestors are the "writing on the Earth," which documents their existence and history of the living culture. Communications with tribal entities have established the general concern over water. Water sources (rivers, streams, hot and cold springs, etc...) are known to house certain spirits that still impact actions and beliefs of contemporary and traditional Western Shoshone.

Some trees still alive (and that BLM is destroying) could have limbs or trunks cut off for use in traps, and so must be protected. There are juniper trees alive in several parts of the Great Basin where wood for bows was removed, but the tree lives on.

<http://escholarship.org/uc/item/4v5249w9>. BLM may also be destroying such trees, if they even bothered to look. Bulldozing displaces soils that may protect cultural materials and sites. BLM is pretty much tearing apart this important cultural locale. Chaining and mastication cause serious soil, microbiotic crust and ground disturbance and are highly unselective (Photo Series 1 and 2). Given the cultural sensitivity of the Spruce area, and the harsh conditions, minimizing disturbance should have been paramount – even if one believed “treatment” was somehow a good thing. Photos: Spruce Chaining destruction.







DNA's Fire Fearmongering Ignores Deforestation Effects Elevate Fire Risk.

BLM's DNA fearmongers over fire. BLM tries to claim even more deforestation is needed to stop fires. The countryside here has already been ripped apart by deforestation, with wildlife habitat greatly fragmented by chaining, other "treatments" and forage seedings. In essence, it has already been "fuelbroken" to death. BLM claimed all the other projects would stop fires. Does the entire landscape have to be bulldozed to bare dirt and planted with cattle forage grasses to stop fires in BLM's view?

BLM exhibits hubris in claiming deforestation stops fires. Instead, deforestation **increases** the likelihood of human-caused and rapidly spreading wildfire. Clearing (and thinning) trees results in hotter, drier, windier more flammable weed prone and vehicle-accessible sites prone to catalytic converter fires. Fires flash much more rapidly across grass vs. forested vegetation. BLM's forage seedings and "treated" areas are highly flammable and more likely to burn than forests. The pipeline blading is intended to aid in intensifying cattle use – promoting flammable cheatgrass and thus elevating fire risk.

BLM's DNA scapegoats native trees that naturally occur on the sites targeted for deforestation, and blames them for all manner of problems. BLM ignores the natural characteristics of forested sites (Lanner 2012), where often there is significant protective microbiotic crust cover and not dense grass. BLM also ignores about the grass-removing impacts of cattle imposed here.

The DNA sets a precedent for future actions that are linked and connected. BLM is highly likely to seed exotic weedy grasses or coarse, over-size "native cultivar" forage grasses following bulldozing. This will further disturb soils, and harm habitat. Forage seeding appears to be a primary reason BLM burns piles of wood increasing weed risk. Dense seedings will make the lands more likely to experience frequent fires. BLM may also build barbed wire fencing lethal to migratory birds, raptors and big game - to try to "rehab" bulldozed lands while large herds of cattle are imposed all around. Seeding is connected to high grazing levels and continued overstocking.

BLM Ignores that Big Game Rely on Forested Communities at Spruce.

The area is "crucial" mule deer winter habitat. Mule deer have traditionally wintered at Spruce because of the existing mix of vegetation and less snow. Deer come from as far north as the Jarbidge Mountains. Spruce is south of Wells, in the rain shadow of the Ruby Mountains. Millions of dollars have been spent on a series of underpasses to get the deer safely across Highway 93 and I-80 and on down to Spruce.

http://magicvalley.com/news/local/state-and-regional/overpass-equals-safety-wildlife-use-u-s-bridge/article_51c08e0e-d9b9-11df-9406-001cc4c03286.html

Now BLM with "partner" NDOW is radically altering and destroying the very habitat characteristics that have caused the deer to migrate to these areas to begin with. If the claim is that deer need more grass, BLM can readily control the severity of grazing and provide more grass. BLM increased deer disturbance in authorizing a dense series of routes and encouraging ATVs. BLM is destroying the trees that shield deer from stressful

human disturbance and poaching, and that provide thermal cover and emergency food in winters with deeper snow, along with highly nutritious pine nuts in normal years.

BLM continues to fail to analyze the serious adverse impacts of inflicting large herds of domestic cattle on this habitat – and ignores that livestock compete with native wildlife for food, cover and space. BLM allowed the permittee to re-build livestock water pipelines, without first taking any look, let alone a hard look, at the adverse effects, which will increase cattle competition and depletion of mule deer habitat.

APPEAL

DNA Is Arbitrary, and violates NEPA and FLPMA.

The 2015 DNA took no site specific look at the impacts of destroying trees across 650 acres. BLM did not evaluate the recent chaining carnage or the magnitude of deforestation, wildlife habitat loss and fragmentation, and other impacts to public lands inflicted by BLM, as shown in Photo Series 1 and 2, and Satellite images.

In its Spruce trespass action, BLM admitted the trees had value, and noticed the damage done by bulldozing in the very fragile culturally rich and sensitive Spruce landscape. So rather than rubberstamping a mere DNA tied to an outdated 2012 EA, BLM should have scrutinized the direct, indirect and cumulative effects of the massive treatments (plus the cattle pipeline activity and grazing activity) that had taken place since the 2012 EA, and new science and other information. But no look was taken.

DNA Is Based on Old and Flawed Information.

The DNA relies on the 1980s Wells RMP and a long-outdated 2004 Fire Plan. There is a wealth of new scientific information - on fire intervals exposing the incorrect by the range “science” assumptions of R. Tausch, R. Miller and others - of the scale of historical deforestation and forest fire intervals; climate change effects; treatment-caused risk of invasive species; an expanded human disturbance footprint facilitated by BLM’s ATV routes; effects of the battery of treatments already inflicted; and the significant loss of PJ across many areas of the West - which places many species of native wildlife in peril (like pinyon jay and migratory birds).

New Science Demonstrates Widespread PJ Tree Loss and Deforestation Climate Effects.

There is new ecological science that shows juniper and pinyon trees are increasingly susceptible to drought and die-off. Pinyon jay and other declining native wildlife are at risk of further habitat losses from climate change threats.

http://www.sciencedaily.com/releases/2015/12/151221194122.htm?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+sciencedaily%2Ftop_news%2Ftop_science+%28ScienceDaily%3A+Top+Science+News%29

"The rise in juniper mortality likelihood has alarming implications for conifers in general because juniper historically experienced far less mortality than other conifers in droughts ...".

There is world-wide concern over the loss of carbon storage with deforestation of arid forests, and combined effects of deforestation and livestock grazing on the climate:

https://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20141203LivestockClimateChangeBaileyFroggattWellesley.pdf

*Livestock production is the largest global source of methane and nitrous oxide – two particularly potent GHGs ... Livestock production is also an important driver of deforestation and associated carbon dioxide emissions – **both directly, as forests are cut down to provide pasture or are degraded through animal grazing, and indirectly, as rising demand for animal feed drives the expansion of cropland into forests ...***

Massive deforestation is taking place and/or authorized and planned across the Great Basin region including adjacent Ely BLM lands.

The project entails large-scale expenditure of federal funds in weed-promoting efforts to try to eradicate native pinyon-juniper vegetation and shrubs, and “farm” public lands for the supposed benefit of antlered hunted animals. BLM never bothered to consider that the deer are coming here because of the existing combination of features – which includes intact stands of native pinyon-juniper.

BLM has already used a battery of destructive methods like bulldozer chaining across a large wild land project area threatened by exploding OHV use and foreseeable new mining activity. These treatments destroy and fragment habitats important and often critical to many species of sensitive wildlife including big game.

The DNA authorizes killing native forests. It promotes irreversible cheatgrass and increased fire frequency. There is critical nesting and wintering habitat for migratory birds, and

many other important attributes of these public lands. There has never been any modern day FRH assessment or other analysis of the severe deleterious grazing footprint and competition between cattle and big game, or cattle conflicts with a host of other wildlife.

Deforestation destruction project will increase the roading Footprint in many ways – both through blading and bulldozing of existing roads, and increasing human access and road disturbance to wildlife as the protective vegetative tree and sagebrush cover is stripped and destroyed in “treatment” areas, allowing OHV use in previously secure habitat sites formerly protected by trees and shrubs.

BLM never conducted site-specific assessment of the degrading impacts of chronic livestock grazing, OHV and road disturbance, that impair natural resiliency and watershed and ecosystem functions. The impacts of the battery of existing treatments and roading, as well as the direct, indirect and cumulative effects of these on native wildlife habitat and populations, native vegetation, cultural sites, soils, microbiotic crusts, aquatic species, vulnerability of lands to cheatgrass and other weed invasions that dramatically alter fire cycles, habitat security for big game, watershed processes including water quality and quantity - are all critical concerns. All of these were glossed over in the BLM’s self-serving, circular reasoning EA that would have U. S. taxpayers spend many millions of dollars on the EA’s destruction of native trees, shrubs and wildlife habitats over 5 to 10 years or more.

BLM (and NDOW) in their irrational vendetta against pinyon-juniper never fully and fairly consider that deer and elk come here because the existing combination of vegetation is what they require –including the necessary screening and security from human disturbance that forested cover provides. Mule deer eating pine nuts, and the trees are emergency food for big game in hard winters. There are many other important aspects of the habitat provided by the unique Spruce area.

BLM Must Prepare an EIS to Prevent Harm.

BLM violated NEPA in 2012 by failing to prepare an EIS prior to authorizing drastic vegetation treatments (10,000 acres) across 100,000 acres or more of public lands sprawled over a vast project area. Now, despite wanton destructive waste of forested vegetation, and new scientific and other information, BLM tiers this mere DNA to that deficient EA. Other treatments included use of an arsenal of disturbance methods that will cause extreme disturbance to the natural environment of the area. This included use of dangerous methods such as use of fire in rugged terrain, bulldozing activities, use of herbicide that will drift and kill woody vegetation and

and herbiciding to kill weeds that will thrive in zones of project disturbance. BLM must prepare an EIS when “substantial questions” exist concerning the environmental impacts of the proposed decision. Appellants have identified “substantial questions” that exist in several respects regarding the drastic 2015 DNA disturbance, and large-scale deforestation by bulldozer chaining and/or mastication. Damage to wildlife habitats, soils, watersheds, etc. will be severe and have a significant effect on the environment. The possible effects on the environment are highly uncertain and involve unknown risks including cheatgrass proliferation and further destruction of pinyon jay, black-throated gray warbler, ferruginous hawk, mule deer and other wildlife habitats.

BLM failed to consider significant ecological concerns of heavy equipment disturbance increasing risk of flammable weed, thus increasing fire risk. Cheatgrass thrives in zones of intensive disturbance. Deforestation results in hotter, drier, windier, more fire prone sites. Risk is amplified by the motorized and ATV emphasis BLM placed on this “crucial” deer habitat.

BLM’s flawed EA (and this DNA) did not rely on current forest science - only a laundry list of the same outdated Tausch, Miller and other papers. The purpose of NEPA is to “obviate the need for speculation by insuring that available data are gathered and analyzed prior to the implementation of the proposed action.” Sierra Club v. U.S. Forest Serv., 843 F.2d 1190, 1195 (9th Cir. 1988). BLM violated NEPA, which requires the preparation of an EIS where uncertainty may be resolved by further collection of data, see Blue Mtns., 161 F.3d at 1213-14. The purpose of an EIS is to obviate the need for speculation by insuring that available data are gathered and analyzed prior to the implementation of the proposed action.” Sierra Club v. U.S. Forest Serv., 843 F.2d 1190, 1195 (9th Cir. 1988).

BLM must prepare an EIS based on the cumulative impacts of the proposed action when considered in concert with BLM’s other management and treatment actions across the project area as well as across the affected sensitive species population habitats. Cumulative impacts may result "from individually minor but collectively significant actions taking place over a period of time." Neighbors of Cuddy Mountain v. U.S Forest Service, 137 F.3d 1372, 1379 (9th Cir. 1998). See also Blue Mtn., 161 F.3d at 1214-16; Muckleshoot, 177 F.3d at 811; Save the Yaak Comm. V. Block, 840 F.2d 714, 720 (9th Cir. 1988).

BLM violated NEPA by failing to prepare an EIS prior to authorizing the large-scale disturbance actions, and by failing to take a “hard look” at the cumulative impacts of the threats to these forests and native biota like pinyon jay and ferruginous hawk, and the habitat loss that has already taken place.

To comply with NEPA, the agency must show that it has taken a “hard look” at the environmental impacts of the proposed action. See Blue Mtn., 161 F.3d at 1211. BLM failed to examine the stand characteristics, the historical record, and impacts of large-scale disturbance of these treatments coupled with the livestock grazing, OHV and other disturbance. BLM failed to undertake any substantive analysis of the likely impacts of increasing human disturbance such as motorized use on these fragile resources. In clearing trees, BLM will make it easy for OHVs to access previously secure areas, and increase conflicts with special status species, watershed health, etc. BLM treatments create greater fire hazards –resulting in hotter, drier, treated sites, and with weed spread and continuous flashy fuel from cheatgrass and other weeds are ignored, including risk of OHV-caused fires, especially if cheatgrass invades as a consequence of “treatment” disturbance. WLD’s Fite was told by BLM Fuels staff on a Spruce tour that most lightning strikes burn a tree or two, and go out. Forests are naturally more fire resistant than acres of dried grass.

There is no current FRH study, so there is no way to understand current conditions and such risks, or lack of site resiliency. The FRH were finalized in 1997, but no FRH analysis has ever been conducted at Spruce. BLM is bulldozing blind.

The condition of the wildlife habitats in the area, as affected by past treatments, long-term grazing, desertification, drought or other factors affect their suitability for any treatment or likelihood of any successful actual restoration occurring. In failing to examine the ecological impacts of undertaking additional disturbance across a landscape that has suffered widespread relentless livestock grazing pressures and other deforestation “treatments”, BLM has violated NEPA’s requirement that federal agencies take a “hard look” at the ecological implications of its actions. See Friends of the Clearwater, 222 F.3d at 557, quoting Marsh, 490 U.S. at 374. See also Hahn, slip op. at 9 (holding that 9th Circuit precedent “require[s] that the hard look be documented so that the Court and the public can be sure that in reviewing the agency’s decision, they know precisely what the agency has before it when it reached its decision.”); See National Parks Conservation Assoc. v. Babbitt, 241 F.3d 722 (9th Cir. 2001)(“NPCA”); Metcalf v. Daley, 214 F.3d 1135 (9th Cir. 2000); Muckleshoot Indian Tribe v. USFS, 177 F.3d 800 (9th Cir. 1999); Blue Mtn. Biodiversity v. Blackwood, 161 F.3d 1207 (9th Cir. 1998), cert. denied 527 U.S. 1003 (1999); Idaho Sporting Congress v. Thomas, 137 F.3d 1146 (9th Cir. 1998) (all reversing EAs).

NEPA Violations include:

+ Failure to prepare an EIS. Destroying native vegetation across 650 acres through chaining and/or mastication is a major federal action significantly affecting the quality of the human environment - in the context of lands faced with many competing uses that BLM has

failed to balance in any modern day way. Demands on, and threats to, Wells BLM and Spruce wild lands have changed dramatically since the old commodity-focused RMP was issued. BLM's tree killing violates key protective provisions of the Wells RMP for forestry values, impacts to sensitive species, HMAs, and other values of the public lands. BLM is unlawfully segmenting analyses that impact shared resources.

+This native vegetation destruction and deforestation action is full of uncertainty, and is also highly controversial. It will have significant and long-lasting effects over many centuries, as it will destroy old growth and mature trees, will spawn flammable weeds like cheatgrass that drastically alter fire cycles and harm sage-grouse, pygmy rabbit, mule deer, migratory bird and other habitats. The landscape suffers increasing motorized, grazing and mining disturbance. Herbicides in unknown quantities and combinations with significant potential for drift will be applied – making this a very long-lasting project.

+ Failure to take a “hard look” at the ecological baseline and consequences of the proposed action and its serious environmental risk. This includes failure to consider adequate alternatives and mitigations to the proposed action to minimize environmental risk, harm, and undue degradation, and failure to consider the cumulative impacts of deforestation and disturbance with heavy equipment and bulldozers in fragmenting vegetation communities and habitats for rare, imperiled and sensitive species – as well as big game, and in destroying cultural sites and values, and recreational and aesthetic values as well.

+Failure to accurately and adequately describe magnitude of deforestation effects to wildlife on old and mature trees, nearly all of which have some rotten areas, hollows or cavities that provide vital habitat for owls and rare bats, raptors like the American kestrel, ash-throated flycatcher and others. This rotten inner wood has a greatly increased tendency to burn severely once the tree catches on fire.

+ Failure to examine the adverse impacts of this deforestation scheme on site characteristics and local climate –i.e. the increased wind in cleared sites, warmer ground and soil surface temperatures, earlier site drying, increased wind erosion of soils, and accelerated runoff in watersheds where trees and/or trees and sagebrush would be burned off and shade is lacking, loss of water holding capacity. This all results in a longer fire season that starts earlier. BLM must carefully analyze all of these to see if in fact it will not make the situation worse, and fail to meet the stated objectives. This analysis must include potential adverse impacts to springs that suffer combined effects of grazing, livestock facility development and water removal, and potentially reduced infiltration into aquifers, or for those that rely on snowmelt – the effects of deforestation

on snow accumulation and drifting is also important. See Charlet 2006, Sada et al. 2001 BLM Tech. Bull.

+ Failure to provide site-specific information and clear, detailed analyses. There is no detail on stand composition, function and structure, location of all mature and old growth pinyon-juniper trees, soil types, topography, understory weeds, location of cavities, presence of sensitive species, effects on habitat security for big game - and a host of other concerns including loss of carbon sequestration. Old growth or mature stands of trees were not identified for avoidance. There is no contextual detail – i.e what are the conditions on, and characteristics of, the surrounding lands relative to the targeted deforestation and ground disturbance? Is BLM targeting the more intact or denser stands that provide the best habitat for forest species and help protect big game from frequent human disturbance?

+ Conducting a fore-ordained and biased process in violation of NEPA. BLM never solicited any public input on the DNA actions and changed circumstances at Spruce. BLM ignored long-standing public concerns, including an ACEC proposal and many other concerns. BLM turned a blind eye to past public input on weed risks, or alternative methods such as road closures to reduce the fire risk and disturbance, removal of grazing to reduce fire risk and increase any mule deer food grass that may be lacking in understories, etc.

+ Disregard for native species conservation and biodiversity, and including sensitive species, migratory birds, raptors and their habitats including sage-grouse.

+ Failure to examine a full range of historical and scientific viewpoints and fully address scientific controversy over impacts of the decision on native vegetation, weed invasion risk, fire risk, accelerated desertification and climate change impacts. BLM also ignored adequately addressing the short, mid and long term health of wild lands, habitats for sustainable populations, and the effectiveness and serious environmental risks of proposed actions in degraded, eroding, weed-vulnerable wild lands.

+ Failure to provide adequate socioeconomic analysis, and to examine alternative uses foregone. “Treated” communities are in jeopardy of cheatgrass that causes permanent loss of native biota due to ensuing weed invasions. Costs include expensive contractors, herbicides, seeding, fencing, costs of lost sight-seeing, birdwatching, hiking, camping, recreational opportunities and pine nut harvesting. Big game populations are being further stressed, as bulldozers “open up” access to currently secure habitats. The DNA is part of a multi-million dollar landscape manipulation scheme that will destroy the forests and their beneficial effects.

This project will destroy trees that serve to absorb carbon dioxide. Site resiliency will be further impaired by cattle grazing.

+ Failure to protect forest values and sustainability, and adequately examine, survey, and act to protect mature and old growth, or re-occupying, native trees and the native species and forest values such as pine nuts that they support. BLM treats the trees as disposable weeds, and ignores the value of forests.

+ Failure to provide a full and fair historical consideration of the Spruce landscape area and these sites. This includes revealing past mining era, and other historical pinyon-juniper removal/treatment, tree die-off from drought and/or insect infestations, and other past “treatments”, and other human disturbance.

+ Reliance on flawed Ecosite schemes and fire models (FRCC and others) that fail to take into account correct forest fire return intervals, natural vegetation zones based on elevation and precip., and risk of irreversible cheatgrass invasion. These treatments often seem based on disturbance for disturbance’s sake.

+ Failure to reconcile BLM’s fire fearmongering schizophrenic claims about larger or “catastrophic” fire risks and how bad they are – while at the same time touting the benefits of its own deforestation and destruction of habitat that increases wildfire risk by causing hotter, drier, more weed prone sites, and deforestation causing more frequent and faster moving uncontrollable fires. Deforestation results in hotter, drier, windier sites with a longer fire season. Clearing trees facilitates off-road driving and vehicle caused fires.

+ Failure to address risks and ecological concerns related to “seeding” efforts, and failure to guarantee that native plants would be used in any seeding that occurs.

Cumulative Impacts Are Ignored.

BLM somehow assumes that there is ample habitat somewhere else “over the rainbow” for impacted animals to flee to. The agency failed to conduct even adequate baseline inventories for sensitive forest dwelling species – let alone critically examine the habitat conditions and threats to these habitats and species populations across an appropriate cumulative effects area.

BLM failed to examine massive manipulation/treatment of other habitat that has occurred in the Great Basin and eastern Nevada and the immense foreseeable amount, as well – such as the mastication and other projects tearing apart Ely lands just to the south or other Elko-area projects (Overland Pass). This is coupled with wild fire and BLM “use of wildland fire” in killing trees.

NDOW non-game biologists previous concerns about the great importance of forested areas for migratory birds in winter were wantonly ignored. See

http://www.blm.gov/style/medialib/blm/nv/field_offices/ely_field_office/inthespotlight/front_page.Par.43966.File.dat/BLM%20Ely%20District%20Report_2015-11-02.pdf

Watershed analysis has been completed on the Cave Valley, Lake Valley, Antelope Valley, North Antelope, Gleason Creek, North Spring Valley, Smith Valley, Steptoe A, South Steptoe, Dry Lake Valley, Panaca Valley, Kane Springs Wash, Clover Creek North and South, Newark Valley, Huntington Valley, and White River South watersheds.

BLM's "watershed analyses" pave the way for massive deforestation coupled with sagebrush destruction treatments. They are based on the same long-outdated and severely flawed Tausch, Miller papers and crazily short fire return intervals, coupled with Ecosite models with inputs designed to justify treatments for livestock forage.

http://www.blm.gov/style/medialib/blm/nv/resources/racs/moso_rac/dm_reports.Par.25957.File.dat/EYDO%20Update_7.16.2015-508ch.pdf describes Ward Mountain, Bald Mountain, Overland Pass. On Humboldt-Toiyabe Forest land, there are large-scale deforestation projects in the North Schell Range (FS and BLM lands), southern Ruby Mountain (FS and BLM lands), and across the region.

Adjacent to Ely are Cedar City BLM lands, where massive deforestation has been authorized, and much has already taken place, as shown by review of Google Earth images. (Hamlin) and now a new Mountain Home Range Project. On top of this, there have been large-scale fires, and Ely BLM has been "using" wildland fire to "treat"/kill pinyon-juniper. The existing level and degree of livestock-caused degradation and impaired rangeland health from domestic livestock grazing and other disturbance is not established. Nor is grazing effectively controlled so any "treated" lands can heal. The degree and severity of existing desertification and impairment from past grazing, deforestation, "treatments", OHV use and roading, old mining era or new mining or energy exploration activity, are also not provided.

No mention is made of the cumulative effects of the 2012 EA's Basco Chaining Maintenance, Brush Creek, Coyote Basin Bottom, Coyote East, Coyote Bowl North, Demonstration, East Spruce Ridge, Honeymoon Chaining Maintenance Expansion, Indian Creek, Lower Spruce Spring, Upper Spruce Spring (subject of DNA), Westside Lower, Westside Upper and any other projects. BLM conducted no review of the magnitude of the impacts of the projects it has already conducted, prior to rubberstamping the chaining/mastication deforestation.

FLPMA Violations

BLM is violating the FLPMA and the RMP in failing to undertake any appropriate analysis of competing resource values to ensure that public lands are managed in the manner that will best meet the present and future needs of the American people, and, further, in authorizing actions that are inconsistent with the RMP. Violations include, but are not limited to: Failure to manage these lands under principles of multiple use and sustained yield including forest values like pine nuts, wildlife habitat conservation, migratory bird conservation, cultural, recreational and other values; Failure to protect soils, watersheds, native biota, sensitive species and recreational values from undue degradation; Failure to grant priority to BLM-recognized sensitive species.

FLPMA is the basic “organic act” for management of the public lands under BLM’s administration. Under FLPMA Section 302(a), the Secretary of the Department of the Interior must “manage the public lands under principles of multiple use and sustained yield.” 43 U.S.C. § 1732(a). “In other words, FLPMA’s multiple-use mandate requires that BLM balance competing resource values to ensure that public lands are managed under the “multiple use” mandate. National Wildlife Federation v. BLM (“Combwash”), 140 IBLA 86 (1997), quoting 43 U.S.C. § 1702(c). BLM undertakes this responsibility by engaging in a reasoned and informed decision process concerning grazing in the allotment, and that “process must show that BLM has balanced competing resource values to ensure that the public lands in [Allotment] are managed in the manner that will best meet the present and future needs of the American people.” Id., at 101. FLPMA violations include:

+Failure to manage the Spruce region under principles of multiple use and sustained yield for forest values, pinyon-juniper wildlife, and protection of cultural locales.

BLM’s old 2012 EA and 2015 DNA tied to it relied on inaccurate understanding of fire and disturbance cycles, and ignored the history of human impacts to PJ, how fires actually burn in arid landscapes, climate change effects stresses on sites, loss of carbon sequestering forested vegetation, drought effects, etc. There was no consideration of serious adverse impacts, and short, mid and long term impairment of the land’s ability to provide habitat for sensitive native biota.

+Failure to ensure and provide certainty that significant progress will be made under the FRH. Instead, irreversible habitat loss (impacts to pinyon jay and other declining species and populations) and weed invasion is likely to take place. No FRH study has ever been conducted.

+ Failure to conduct adequate carrying capacity, production, capability and suitability analyses for grazing and other disturbance stresses, including as they relate to risks and uncertainties of treatment disturbance outcomes and future uses.

+ Failure to conform the proposed actions to the requirements of the RMP, FLPMA and the FRH including violations of protections for soils, microbiotic crusts, watersheds and processes, recreational and wild land values, important rare and sensitive species habitats and populations, sustainability of native vegetation communities including forests and sagebrush, biodiversity, cultural sites and other failures to balance competing values.

Other Legal Violations

+ Violations of the Migratory Bird Treaty Act, BLM Migratory Bird Conservation Plans, and species Conservation Plans. BLM's proposal would allow giant vegetation crushing and chopping machines and/or bulldozers with a ship's anchor chain uprooting pinyon, junipers, mahogany, sagebrush, bitterbrush. Under the flawed EA and DNA, this could be conducted and occur during sensitive wintering, migration and even portions of the nesting period for migratory birds and raptors. Extensive treatment disturbance during sensitive wintering periods is the antithesis of requirements for protection of secure wildlife winter habitats, and limiting stress on wintering wildlife, including big game. This all combined will harm, harass, injure, kill and otherwise "take" migratory birds, and a broad number of other animals whose burrows and homes will be collapsed, crushed, chopped, and shelter and food sources burned up and destroyed and/or the animals displaced into sub-optimal areas. These are significant, long-lasting impacts.

Overlaying all of this is the failure of BLM to address the high risk of adverse outcomes. These include significant soil erosion, irreversible weed invasion, greatly altered weed-driven fire cycles with the treatment deforestation promoting hotter and drier more fire prone sites. The overarching effects of predicted climate change effects (hotter, earlier snowmelt, longer fire season, increased cheatgrass/exotics, less natural resiliency) are not carefully considered.

PETITION FOR STAY

Appellants Interest Will Be Harmed If This Decision is Not Stayed

Appellants and our members, who actively enjoy, study, photograph, camp and hike on wild lands on these portions of the public lands of the United States will be irreparably harmed if the EA, FONSI, DR and DNA are permitted to proceed as proposed and the forest destroyed without a current and hard look. The implementation of this Decision will result in a violation of federal laws and regulations and the loss of the ability of our members to experience the land in

question without ongoing degradation of important public resources and values. Further, if this flawed decision is implemented the losses to the public will be significant, and may be long-term and irreversible. New large-scale disturbance across these lands will lead to continued, pervasive degradation of the public lands, destruction of habitat for sensitive species, and the potential extirpation of some sensitive species within these lands. Restoration of native plant communities, functioning watersheds, wildlife habitats and populations on the public lands will be extremely difficult, costly and take centuries. The direct result of the issuance of a Stay will be the prevention of direct harm to Appellants because of the violation of legal statutes of the United States.

On the other hand, the relative harm to the BLM of the issuance of a Stay is minimal or nonexistent. First, the BLM can consider input from a broad range of the public and take stock of the enormity of damage it has already inflicted. BLM can also prepare the necessary analysis to properly assess the impacts of various treatments, and so better avoid many unforeseen – or even disastrous - outcomes such as losses of old growth and mature forested sites or cultural values. Granting this stay will have no impact on the BLM. A Stay will allow BLM to undertake analysis required under NEPA and FLPMA. BLM will thereby insulate itself from liability.

Appellants Are Likely To Succeed on the Merits of Its Appeal.

The IBLA decision in *National Wildlife Fed. v. Bureau of Land Management*, 140 IBLA 85 (1997), squarely holds, BLM's failure to balance competing resource values prior to authorizing actions on federal public lands violates FLPMA. Second, this Board has consistently held that BLM must fully and strictly comply with its mandatory duty to act in a manner consistent with the governing land use plan. See, e.g. *Jenott Mining Corp.*, 134 IBLA 191, 194 (1995); *Uintah Mountain Club*, 112 IBLA 287, 291 (1990); *Marvin Hutchings v. BLM*, 116 IBLA 55, 62 (1990); *Southern Utah Wilderness Alliance*, 111 IBLA 207, 210-211 (1989). Appellants have established (1) that BLM has failed to undertake any reasoned and informed decision making and (2) that BLM has authorized actions that are plainly inconsistent with the RMP, sensitive species and forestry protections and other agency guidance, and failed to resolve conflicts between uses. BLM has violated NEPA by (1) failing to prepare an Environmental Impact Statement prior to conducting expanded deforestation; and (2) failing to examine the cumulative impacts of this decision and other very foreseeable decisions and significant disturbance impacts - including past and ongoing treatments, OHV use, livestock disturbance.

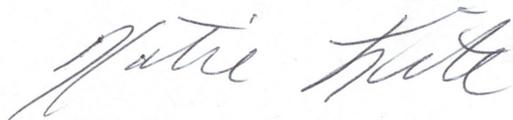
Absent a Stay, Irreparable Harm Will Occur to the Public Lands at Spruce.

The harm created by the implementation of this Final Decision is irreparable in that it will permit extreme risk of irreversible degradation of public resources. Such environmental loss is by definition irreparable. According to BLM's own data, these lands provide important habitat for many BLM-sensitive species. Yet, BLM plans to destroy this habitat with risky and severely damaging bulldozer and other disturbances without ever having conducted current baseline inventories for rare and sensitive species and the dispersion of their habitats across the project area. BLM will also destroy sagebrush as collateral damage. BLM has not even conducted necessary site-specific project area inventories and provided ages of trees to be destroyed. BLM has failed to catalogue the threats from the proposed action to sensitive species. Any threat to the already depleted populations of these sensitive species will be, by definition, irreparable in that additional threats may push these species closer to extinction. The implementation of this Decision pending review on the merits of the appeal will cause irreparable and irretrievable harm to the public lands and wildlife resources.

Public Interest Favors the Granting of the Stay.

The public interest clearly favors granting the Stay. The significant public wild land and wildlife resources area that will be degraded by the implementation of the Decision clearly violates the public interest, which supports recovering the health of these public domain lands. Implementation of the DNA will violate the public interest as expressed by Congress through NEPA and FLPMA if a Stay is not granted pending resolution of this appeal. Further, the public interest is served by protecting sensitive species and their habitat prior to requiring listing under the Endangered Species Act, and protection of nesting migratory birds under the Migratory Bird Treaty Act. The very purposes of NEPA and FLPMA further establish that the public interest favors a granting of stay. Appellants believe the granting of a Stay in this matter clearly serves the interest of the health of ecosystems, native biota and humans on the public lands within the magnificent Spruce wild lands area.

Sincerely,



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/mw

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28547 Siesta Lane
Eugene, OR 97402

Attachments – Photo Series 1 and 2 and Literature on cd

STATEMENT OF STANDING

Appellant WildLands Defense is a not-for-profit 501c3 environmental organization based in Hailey, Idaho. WLD works to seek protection for wild native ecosystems, native wildlife and biodiversity, including native predators. Members of WLD have long worked to protect important pinyon-juniper and sagebrush watersheds, including lands at Spruce. This includes migratory songbird habitat, pinyon jay habitat, and other significant values that are jeopardized by the 2012 Spruce EA and this 2015 DNA.

Bulldozing native forests causes serious declines or losses of these species and intact wild ecosystems that WLD and its members enjoy viewing, photographing, and studying. These forests are also important to us for their aesthetic, recreational and cultural values. Trees, as well as sagebrush and wild land springs, will be altered, impacted or destroyed, and their ability to support healthy and thriving habitats for native wildlife species will be diminished and destroyed.

WLD's members regularly use the public lands of the Elko Wells Field office, including the Spruce Project area lands. For example, member Katie Fite has repeatedly visited the Spruce Range (Fite since the 1980s), and hiked, camped, photographed wildlife, examined pinyon jay, black-throated gray warbler, pygmy rabbit and sage-grouse habitat, participated in agency tours, developed conservation proposals such as the Spruce ACEC proposal BLM has wantonly ignored, or otherwise been engaged in promoting conservation of these very important wild land.

WLD's use of these lands includes scientific, educational, spiritual, aesthetic and recreational (including camping, hiking, wildlife viewing, botanizing, bird-watching including appreciation and study of migratory songbirds that rely on the ancient trees for nesting, winter food and other purposes, sightseeing, photography) purposes. WLD is alarmed at the aggressive destructive actions of BLM in lands that are also significantly impacted by livestock. WLD is fearful of the environmental consequences of drastically manipulating these forests. We are greatly concerned about the consequences flowing from the disturbance to soils, microbiotic crusts, native vegetation, wildlife habitats and populations, and special status species habitats,

cultural resources and other important values. We are dismayed at the lack of baseline inventories for important, sensitive, rare, and imperiled native biota.

Thus, BLM's DNA Decision to destroy these forests without ever really looking at their ecological values, harms our interests in protection of native biodiversity.

Deep Green Resistance

Deep Green Resistance (DGR) is a 501 c3 environmental and social justice organization that works to protect natural systems, including the pinyon-juniper forests of America, from damage, waste and exploitation. DGR works for the restoration of natural ecosystems.

Members of Deep Green Resistance have visited Spruce and other BLM deforestation projects in the Great Basin. DGR has observed the wanton waste and destruction caused by the existing chainings at Spruce. The expanded destruction of the forests under the DNA harms DGR's interests in protection and restoration of wild natural systems and the animals and plants that are found in them.

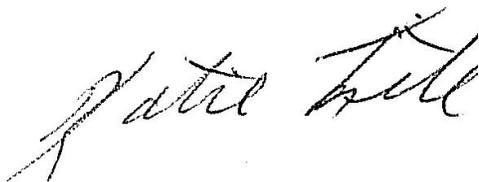
CERTIFICATE OF SERVICE:

Copies of Appeal sent to:

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Katie Fite

December 29, 2015