

June 16, 2014

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RE: Bray and Horsethief Grazing Allotments Scoping

“Manage vegetation to provide for healthy ecosystems and to make forage available on a sustainable basis for use by livestock, wildlife, and wild horses. Manage vegetation to provide for a desired condition of herbaceous shrub and forested vegetation according to site potential and resource needs.

Manage grazing activities to not retard or prevent attainment of the Aquatic Conservation Strategy objectives.”

-LRMP Page 4-8

“Management activities should imitate the natural ecological processes that created the Sensitive species habitat. Fire, timber management, grazing, or other activities may be used as tools for soil disturbance and removal of competing vegetation in managing the habitat.”

-LRMP Page 4-27

“Lands supporting vegetation that can be used by both domestic and wild grazing animals without damage to wildlife, soil, or water resource values will be designated as “suitable for livestock grazing.” The decision to “authorize” livestock grazing will be made at the project level.”

-LRMP 4-56

Dear Kelby,

Thank you for accepting these comments regarding the proposed Bray and Horsethief Grazing Allotments on behalf of the Klamath Siskiyou Wildlands Center. Please ensure that we are on your mailing list to receive **hard copies** of forthcoming NEPA documents regarding this project. Contact information for our organization may be found at the conclusion of this document.

We are pleased with the agency’s apparent flexibility and desire to maintain a healthy ecosystem for these allotments. It seems as if the agency is willing to conduct increased monitoring and to allow for project flexibility where negative impacts are anticipated. The project proposal is full of heartening pledges by the Forest Service to conduct more monitoring with an emphasis on areas where there is minimal current information. The agency also seems willing to strike a true balance between maintaining biological diversity and the public interest. We are grateful that the project plan includes such strong pledges towards maintaining a healthy environment and hope that the Forest Service follows through with these undertakings as it moves forward with the NEPA process.

Despite, the agency's proposed willingness to consider the negative impacts and to alter the plan accordingly we still have some concerns. We are primarily concerned about the lack of attention that the plan pays to the native wildlife, which seems to be in contrast with the agency's claims that biodiversity will be preserved. We are also concerned with the impacts that these grazing activities will have on meadows, aspen stands, and the area watersheds. Although, we are encouraged by the information provided in the project proposal that indicate a willingness to put up and maintain fences around those sensitive areas.

We are willing to support a grazing allotment that truly recognizes and respects the need to maintain biodiversity among plant and animal species and to preserve sensitive areas like meadows and waterways. It is our hope that the Forest Service will take note of our comments and commit to a plan that runs in accordance to the management goals of the Klamath National Forest Land and Resource Management Plan (LRMP).

PURPOSE AND NEED

*“A goal of this Forest Plan is to integrate a mix of management activities that allow for the use, management and **protection** of Forest resources. Other goals are to meet the needs of guiding legislation and respond to local, Regional and National issues.”*

-LRMP Page 1-1.

The LRMP makes it clear that protection of the natural resources needs to be a priority along with use. Multiple uses are encouraged but the environmental concerns cannot be shoved aside in favor of the other uses. These two factors should receive equitable attention with regard to the management of the proposed grazing allotments. All too often the agencies make use and management of the forest resources their priority, while disregarding practices that go towards the protection of natural resources.

Here, the agency seems to be more receptive towards management activities that focus on protection and monitoring with a focus on the long term. We would like to see the agency follow through with the statements made in the project proposal. If the agency complies with their own project goals they will also be in-line with the means in which the LRMP suggests to accomplish its goals.

RIPARIAN AREAS

“Major concern exists over the effects of grazing on riparian areas. Few studies have measured the impacts of grazing on the Forest's riparian areas and ecological integrity.”

-LRMP Page 3-23

“Stream Condition Inventories and monitoring results indicate that grazing practices in some areas may need to be modified to achieve desired conditions.”

-Goosenest AMA Page 16

We are very concerned with the impacts these grazing allotments will have on the riparian zones that they come into contact with. The LRMP and the project proposal make it clear that there is very little knowledge regarding the impacts that will occur. We are primarily concerned with the possible changes in sedimentation, turbidity, erosion, and damage to aquatic vegetation. Our concerns are exacerbated because both proposed allotments run through Riparian Reserves. The LRMP includes specific management goals for these reserves that could be violated by these allotments:

“—Maintain and restore riparian-dependent structures and functions of intermittent streams.

—Provide benefits to riparian-dependent and associated species other than fish, enhance habitat conservation for organisms that are dependent on the transition zone between upslope and riparian areas, improve travel an[d] dispersal corridors for many terrestrial animals and plants and provide for greater connectivity of the watershed. Provide connectivity corridors among the LSRs.”

-LRMP Page 4-106

Cattle grazing has been known to disrupt the very things that the LRMP aims to protect. The effects of cattle on watersheds are diverse and the Environmental Analysis (EA) needs to account for all of the impacts, including the cumulative effects that these grazing allotments will cause. The EA should consider all of the acres that are on Riparian Reserves including all of the crossings. The Bray Allotment will cross through the following watersheds: Antelope Sink, Tenant-Antelope Creek, Shafter-Butte Creek, Round Valley, Bray-Butte Creek, and Pollic Flats. The amount of riparian habitat contained in these allotments is troubling. The plan states that the existing conditions of the riparian vegetation need to be preserved. The EA should take that into account. It seems unlikely, from all that we know about cattle's negative impacts on waterways, that there could be a Finding of No Significant Impact (FONSI) for the Riparian Reserves. We would like to see these allotments avoid the riparian areas wherever possible, and where it is not possible, to bypass these areas altogether using fences.

Even if the Forest Service can carry out these grazing allotments in a manner that will comply with the LRMP and their project goals, they will still come into conflict with the Northwest Forest Plan (NWFP).

“Adjust or eliminate grazing practices that retard or prevent attainment of reserve objectives. Evaluate effects of existing and proposed livestock management and handling facilities in reserves to determine if reserve objectives are met. Where objectives cannot be met, relocate livestock management and/or handling facilities.”

-NWFP Standards and Guidelines Page C-17.

If these allotments cannot be managed in a manner that protects the goals of the Riparian Reserves they will not be able to comply with the NWFP unless they are relocated. The NWFP is explicit:

“Locate new livestock handling and/or management facilities outside Riparian Reserves. For existing livestock handling facilities inside the Riparian Reserve, ensure that Aquatic

Conservation Strategy objectives are met. Where these objectives cannot be met, require relocation or removal of such facilities.”

-NWFP Standards and Guidelines Page C-33.

The EA needs to emphasize the fact that, as planned, these allotments do not comply with the NWFP. This makes the project controversial. Again, we would like to reiterate that the EA needs to fully consider the effects that this project will have on the Riparian Reserves and that without some mitigating factors this project will likely require a full Environmental Impact Statement (EIS). Our concerns would be somewhat alleviated if these grazing allotments could be conducted with much less crossover with waterways and Riparian Reserves.

Fortunately, the Forest Service does not seem unreceptive to mitigating the allotment's impacts by erecting fencing to keep the cattle off of the sensitive areas. It is also encouraging that there is already a fence protecting most of Butte Creek, although the effects of the access point still warrant concern. Since the agency is already willing to protect the riparian areas and build fences, our concerns are somewhat less than what they would be otherwise. This project may be able to obtain compliance with the LRMP and the NWFP relatively easily with strategically placed fences.

“Cooperative agreements are established with private landowners and other agencies which achieve healthy watershed conditions. Sediment inputs are reduced from known sources thus improving watershed health...”

-Goosenest AMA Page 10

We also hope that the permittees involved with these allotments will be receptive and cooperative when it comes to the need for protective fencing. When it comes to permit situations like this cooperation is invaluable. The Forest Service should ensure compliance and collaboration between with the permittees or the protective strategies will not be effective.

Managing these grazing allotments along riparian areas will be especially important in drought years. The EA should include an analysis of the cumulative impacts that will result from cattle grazing and drought. If water levels drop the cattle's impacts will increase, as will the competition for limited water resources between the cattle and the wildlife. Drought and its associated impacts cannot be overlooked.

LATE SUCCESSIONAL RESERVES

“Range-related management that does not adversely affect late-successional habitat will be developed in coordination with wildlife and fisheries biologists. Adjust or eliminate grazing practices that retard or prevent attainment of reserve objectives. Evaluate effects of existing and proposed livestock management and handling facilities in reserves to determine if reserve objectives are met. Where objectives cannot be met, relocate livestock management and/or handling facilities.”

-LRMP Page 4-89

Late Successional Reserves (LSR), like Riparian Reserves, are sensitive and vital areas in need of protection and the Horsethief allotment is located on 357 acres of LSRs. LSRs are designed to

protect the species that rely on LSR habitat and to prevent those species from further listing under the Endangered Species Act (ESA). The Forest Service is subject to specific provisions under the LRMP that mandate frequent monitoring of the reserves. This monitoring becomes especially important if an agency activity is going to affect the reserve. On page 4-85 the LRMP states that “[o]pportunities to improve late-successional habitat should be actively investigated and implemented.” The emphasis that is put on protecting LSRs in both the NWFP and the LRMP make it clear that LSR preservation should be a priority. This project should take every opportunity to improve late-successional habitat that comes up as a result of this grazing allotment.

Maintaining biodiversity and wildlife are big drivers behind our uneasiness regarding the intersection of the grazing areas and the LSRs. The project proposal is disconcertingly quiet with regard to the protection of wildlife. The LSRs support many different species. The EA should consider the assessment strategies for LSRs that are included in the LRMP:

“A management assessment should be prepared for each LSR (or group of smaller LSRs) before habitat manipulation activities are designed and implemented. LSR assessments should generally include: (1) a history and inventory of overall vegetative conditions within the reserve, (2) a list of identified late-successional associated species known to exist within the LSR and information on their locations, (3) a history and description of current land uses within the reserve, (4) a fire management plan, (5) criteria for developing appropriate treatments, (6) identification of specific areas that could be treated under those criteria, (7) a proposed implementation schedule tiered to higher order (for example, larger scale) plans, and (8) proposed monitoring and evaluation components to help evaluate if future activities are carried out as intended and achieve desired results.... LSR assessments are subject to review by the Regional Ecosystem Office.

-LRMP 4-83

The Forest Service needs to do a thorough assessment of the allotment’s impacts on the LSR in their EA. The cumulative impacts that extend to any affected animal species cannot be ignored. If the EA includes an analysis of all of the above factors listed in the LRMP, then it will go a long way towards protecting these sensitive areas.

“New access proposals may require mitigation measures to reduce adverse effects on Late-Successional Reserves. In these cases, alternate routes that avoid late-successional habitat should be considered.”

-NWFP Standards and Guidelines, Page C-19

Yet again, fencing can be a very important step in decreasing the negative impacts of these allotments on a reserve. We believe that mitigation measures, such as fencing, should be required in this situation. The cattle can have catastrophic impacts on the understory in the reserves. Not only will their foot-traffic damage the plant growth but their waste can cause changes in the understory as well. Cattle also can bring noxious weeds into the LSRs that can outcompete the native flora.

The EA must consider all of the different ways that cattle can affect these reserves and it also should consider different mitigating strategies.

MIGRATORY BIRDS

The presence of migratory birds and birds of prey within these allotments is troubling. The Forest Service must consider the migratory birds that are in the area and the impacts that will occur towards those birds as a result of this allotment. The project proposal only mentions in passing some possible birds that will be affected. The EA for these grazing allotments should analyze and disclose the potential impacts on bird population trends. It must identify the direct, indirect, and cumulative impacts of grazing on neotropical, migratory, and ground birds. We are concerned by the agency's lack of data regarding any bird species. We are particularly concerned with gaining information for the birds' habitat, reproductive and nesting success, and population. The Migratory Bird Treaty Act should be complied with.

As per a Memorandum of Understanding (MOU) between the Forest Service and the United States Fish and Wildlife Service (FWS) the Forest Service has been directed to take these birds into account during the NEPA process. The Forest Service has the responsibility under the MOU on page 4 to “[p]rotect, restore, and conserve habitat of migratory birds” and to collaborate with other entities to promote bird conservation. Monitoring and inventory of the birds on the allotments is also a priority under the MOU.

“The costs of monitoring land-birds, which respond quickly to habitat changes is relatively low...” Goosenest AMA Page 7.

Monitoring and inventory of these birds should be done in conjunction with the EA. This will create a comprehensive EA that is aware of the migratory birds that can potentially be affected by these grazing activities.

The responsibilities of the agency under the MOU are explicit:

- “1. Address the conservation of migratory bird habitat and populations when developing, amending, or revising management plans for national forests and grasslands, consistent with NFMA, ESA, and other authorities When developing the list of species to be considered in the planning process, consult the current FWS Birds of Conservation Concern (updated 2002 and available at www.fws.gov/migratorybirds/reports/BCC2002.pdf), State lists, and comprehensive planning efforts for migratory birds... Evaluate and consider management objectives and recommendations from conservation planning efforts for migratory birds. Acknowledge special designations that may apply to all or part of the planning area, such as Globally Important Bird Areas in the United States, and acknowledge such designations in the appropriate plan documents.*
- 2. Participate in planning efforts of Bird Conservation Regions (BCRs) to facilitate development of conservation actions that benefit migratory bird species across multiple land ownerships, such as large-scale watersheds and coastal area restoration projects.*

Increase awareness within the agency of information contained within these plans and within other comprehensive planning efforts for migratory birds.

3. Within the NEPA process, evaluate the effects of agency actions on migratory birds, focusing first on species of management concern along with their priority habitats and key risk factors. To the extent practicable:

- a. Evaluate and balance long-term benefits of projects against any short- or long term adverse effects of actions.*
- b. Pursue opportunities to restore or enhance the composition, structure, and juxtaposition of migratory bird habitats in the project area.*
- c. Consider approaches to the extent practicable, for identifying and minimizing take that is incidental to otherwise lawful activities, including such approaches as:*
 - 1. altering the season of activities to minimize disturbances during the breeding season;*
 - 2. retaining snags for nesting structures where snags are underrepresented;*
 - 3. retaining the integrity of breeding sites, especially those with long histories of use and;*
 - 4. giving due consideration to key wintering areas, migration routes, and stopovers*
 - 5. minimizing or preventing the pollution or detrimental alteration of the environments utilized by migratory birds whenever practical by assessing information on environmental contaminants and other stressors relevant to migratory bird conservation.... ”*

The Forest Service should abide by the responsibilities listed in the MOU. It is very important for the health of migratory birds that all of these factors are considered in the NEPA process.

ASPEN HABITAT

The project proposal does not discuss the impacts that these allotments will have on aspen stands, and at this time there is no known aspen stands in the allotments. The allotments should be surveyed as part of the EA to make sure that there are no aspens present. If it is determined that there are aspen stands on the allotments then they should avoid these areas with the help of fences.

Cattle grazing has been known to cause reproductive failure in aspens. The presence of cattle in aspen stands can prevent/ hinder the regeneration of the stands. This must be discussed in the EA if aspens are found in the area. If the aspens are negatively affected then there will also be cumulative impacts on wildlife as well. For example, bird populations and the health of waterways can face additional impacts if the aspen stands are affected.

MEADOW HABITAT

“[The] best actions [to improve meadow habitat] usually involve changing the timing of grazing, amounts of key riparian species not grazed, reduction of channel impacts and restoration.”
-Goosenest LSRA, Unpaginated.

“Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.”
-NWFP Basis for Standards and Guidelines Page B-11.

“Manage adjacent forested areas to provide cover for wildlife species that forage in meadows. Proposed management actions should be evaluated as part of the environmental analysis process. Proposed actions also should consider such factors as the availability of meadow habitat within the landscape and the known or suspected use of the area by wildlife (most notably deer, elk and great gray owl).”

-LRMP Pages 4-32 and 4-33.

Meadows can be severely affected by grazing activities and they are another source of concern for us. Here again, the EA must consider the impacts that these new grazing allotments will have on meadows. The project proposal itself states that there is a need to maintain the satisfactory condition of meadows within the allotments. This need must be seriously considered in the EA, meadows are one of the features that can be impacted most by these allotments.

“Discourage the use of wet meadow communities by commercial pack stock, administrative stock, private stock, and permitted livestock until the range has been determined to be ready to sustain use, or prior to July 1 if such a determination has not been made.”

-LRMP Page 4-58

One of the biggest concerns we have regarding meadows is monitoring. The meadows that are involved here need to be monitored and identified as to their condition. Outside of the Butte Creek exclosure, meadow condition monitoring is lacking and that needs to be rectified. This needs to be done as part of the EA because it will help determine the best management and mitigation strategies. Any meadows that are determined to be unsatisfactory should be avoided by the allotments to the extent possible. When the unsatisfactory meadows cannot be avoided there must be a push to achieve satisfactory conditions. The timing and scope of the grazing allotment should be managed accordingly. The need for expanded monitoring that is identified in the project proposal needs to be carried out. An EA will not be sufficient unless the monitoring is completed.

... [M]aintain unique wildlife habitats on the Forest, such as wetlands, meadows, rocky cliffs, etc.”

-LRMP Page 4-7.

The impacts on the meadows in these allotments need to be mitigated and the habitat needs to be maintained. This is of the utmost importance. The Forest Service cannot avoid their responsibilities here; they should follow through with the monitoring plans listed in the project proposal.

NOXIOUS WEEDS

The EA should determine whether there are any noxious weeds currently in the grazing allotments. It should also consider whether the cattle will cause the spread of noxious weeds into areas without any noxious plants. Infestation levels should be determined and then acceptable management objectives can be made.

SOIL

“The maintenance of soil productivity, permeability and fertility is a National issue of high intensity. Another facet of this issue is the invasion of non-desirable brush species... Activities which would cause an irreversible loss of soil productivity would not be allowed.”

-LRMP Page 2-2

The impacts that these grazing allotments will have on soil must be included in the EA. The assessment must include an analysis of the soil compaction, stability, and productivity and how these things may be impacted by the grazing activities. The project proposal specifically talks about concerns near Antelope Sink regarding the soil characteristics that need to be addressed.

MONITORING AND ALTERNATIVES

Monitoring is an essential part of the forthcoming NEPA process. The EA cannot be a complete analysis without the inclusion of the prior and continued monitoring efforts, especially in the areas where the status is unknown. The monitoring efforts listed and encouraged in the project proposal are an important first step, but are wholly insufficient. Monitoring on these allotments must include: fens, riparian area condition, migratory bird status, ESA listed species, LSR habitat, aspen stands, meadow condition, soil impacts, spread of any noxious weeds, and any violations of the permittee. If the status of any of the items monitored falls below acceptable levels then alternative action should be taken.

The LRMP includes some options for alternative action ideas if the grazing results in an unacceptable level of negative impacts:

“Develop and evaluate grazing use alternatives which include:

- a) The number of livestock to be grazed, season of use and kind/class of livestock use.*
- b) The appropriate livestock stocking intensities to achieve a balanced ecological status, prevent over-utilization of any desirable vegetative types and maintain good livestock distribution.*
- c) The grazing system and strategy to be implemented that will meet management objectives.*
- d) The appropriate management actions needed to promote the achievement of Forest Plan goals and objectives.*
- e) An evaluation of the improvement projects that would be necessary to meet Forest Plan goals and objectives.”*

-LRMP 4-56

Any alternatives that will limit the amount of grazing time are important to us because we are concerned with the indefinite nature of this project with regard to time. The project proposal is imprecise pertaining to the length of time this authorization will be good for. However, it is encouraging that the proposal states that the allotment can be cancelled, suspended, or modified as needed to ensure the proper use of the rangeland resources and the protection of the environment. It is further encouraging that the number of grazing cattle is not allowed to exceed set maximum levels, this limit should be maintained. And, finally the proposal states that livestock will be excluded if monitoring information shows that continued livestock grazing would cause the degradation of riparian areas or wetlands.

The alternative action plans listed in the LRMP should be considered when any concerns arise regarding environmental impacts.

CONCLUSION

We are encouraged by the agency's apparent willingness to implement these grazing allotments with as much compliance to the monitoring requirements and protection goals as possible. However, we remain hesitant in our hope that the statements made in the project proposal will actually be realized. There are also a number of concerns that we still have, despite the agency's positive approach, and these concerns should be fully addressed in the forthcoming EA. The possible negative impacts on the meadows, riparian areas, and wildlife must be addressed. If some of the above mentioned problems and controversies can be avoided, we will remain optimistic about the project.

Klamath-Siskiyou Wildlands Center thanks you for the opportunity to assist by providing scoping comments for the Bray and Horsethief Grazing Allotments.

Sincerely,

/s/ Kaitlin Tidwell, Law Clerk
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