



October 25, 2016

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**RE: Lake Mountain and Middle Tompkins Grazing Allotment  
Management Plan Project Environmental Assessment**

Greetings,

Thank you for considering these comments from the Klamath Siskiyou Wildlands Center (KS Wild). Please ensure that our organization is provided a hard copy of all forthcoming NEPA and decision documents concerning the Lake Mountain and Middle Tompkins Allotment Management Plan Project.

The Forest Service proposal to more than triple the amount of cattle grazing in the project area and to increase the physical size of the Middle Tompkins grazing allotment by 2,034 acres has the air of inevitability associated with it. It appears that the agency's desire to maximize private profits from public lands grazing trumps all other multiple uses including riparian, soil, botanical and wildlife values. We are skeptical that substantive public comments, the direction of the Klamath National Forest Resource Management Plan (RMP), or the findings of scientific literature will influence what appears to be a pre-ordained decision to dramatically increase grazing in fragile meadows and riparian areas within this planning area.

**Reliance on a Vague Adaptive Management Strategy (AMS) As a Surrogate For  
NEPA Analysis**

Previous Klamath National Forest monitoring efforts in the project area have repeatedly failed to halt or alter deleterious grazing practices. In the Lake Mountain Allotment,

monitoring has consistently found excessive grazing at Lookout Spring yet significant damage to meadow and riparian resources has continued year after year. Similarly, the 2008 Middle Tompkins Allotment Annual Operating Instructions (AOI) indicate that for every year recorded, and at every location monitored, utilization levels greatly exceeded capacity.

Despite the failure of previous monitoring efforts, Best Management Practices (BMPs), Project Design Features (PDFs) and AOIs to prevent cattle drift, riparian damage and over-utilization of meadow habitat, the proposed action for this project calls for dramatically increasing grazing in the project area. The public and the decision maker are assured that this time things will be different because the Range Resources Report allegedly includes “details and triggers for action” associated with an “Adaptive Management Strategy (AMS).” See EA at E-32. In fact the details of the AMS (if they exist) are not disclosed and analyzed in the NEPA document or in the Range Resources Report.

The public and the decision maker cannot know if, when and what actions will be taken under the AMS to prevent the types of impacts to riparian and meadow habitats that have been repeatedly documented in these allotments. For example, as acknowledged on page E-33 of the EA “the EA does not explain how cattle will be moved around the allotment as that is a permit administrative decision.” Therefore the EA does not allow the public or the decision maker to evaluate the effectiveness of the AMS as the EA contains no substantive disclosure or analysis of the AMS.

What is revealed in the EA is that the monitoring (upon which much of the effects analysis heavily relies) is not quantified and is backward looking. As stated on page F-7 “management actions will be applied to meet design criteria standards when monitoring indicates that standards are not being met.” Note that the alleged “management actions” are neither defined nor analyzed, rather they are at the discretion of the allotment administrator. Further, note that the alleged monitoring is retroactive. It is not designed to **prevent** significant harm to riparian and meadow resources. Rather, if monitoring occurs, and when it indicates that harm is occurring, then non-defined and unanalyzed “management actions” may be implemented at the discretion of the rangeland staff.

Additionally, the triggers for implementation of AMS are malleable and at discretion of rangeland specialist grazing proponent. “Triggers such as stubble height or streambank alteration **may** be used.” EA F-11. EA doesn’t disclose what triggers **will** be used, so Forest Service, public and decision maker cannot in fact know how the rangeland specialist grazing proponent will in fact administer the grazing allotment.

Similarly, the rangeland grazing proponent’s massive grazing increase relies upon “range readiness” conditions in which “moist and wet meadows should be for the **most part** dry enough to carry stock without breaking sod and destroying vegetative cover.” EA page 6. The NEPA document (and the Rangeland Report) fail to quantify what “for the most part” means. If 51% of a wet meadow can carry stock without breaking sod is it “for the most part” ready for grazing? The EA also fails to disclose or analyze the impacts of

grazing on portions of wet meadows that cannot carry stock without breaking sod. The AMS is designed to provide unlimited discretion to the Forest Service while avoiding quantified analysis or disclosure of project impacts.

Timely project scoping comments (reflected at E-32) requested that the Forest Service publically define the conditions and content of the AMS. The FS response to this request (at E-32) was to contend that the Rangeland Resource Report would provide adequate information that was lacking from the EA. In fact neither the RRR or the EA tell the reader or the decision maker if, where and when AMS monitoring will occur and if, where, and when various potential AMS actions would occur.

Timely project scoping comments (reflected at page E-9 of the EA) also specifically requested that the Forest Service provide quantitative data to support the assumptions relied upon for the AMS and the conclusions reached in the EA. The Klamath National Forest responded to the this request by again contending that it need not provide actual data or quantifiable information in the EA while assuring the reader that such information would be provided in the Rangeland Report. NEPA does not permit this. Additionally, the Rangeland Report relies upon the same generic BMPs and PDFs that have failed in the past while giving the Forest Service maximum discretion to continue grazing in wet meadows and riparian areas.

Similarly, timing scoping requests for actual data, analysis, maps and information regarding resource conditions and range developments were not incorporated into the project NEPA analysis in favor of a nebulous AMS program that is largely at the discretion of the Forest Service.

Requests to include analysis of extensive and pervasive prior grazing non-compliance issues at Middle Tompkins in the project NEPA analysis were also rejected by Forest Service grazing proponents.

Timely requests for soils maps to be included in the NEPA document were arbitrarily rejected by Forest Service grazing proponents.

Timely requests for maps illustrating riparian features in the NEPA document were also rejected by Forest Service grazing proponents.

The Forest Service refused to disclose or analyze many of the substantive issues and impacts identified during scoping in favor of adopting largely undefined AMS that only requires (non-specified) actions when “rangelands are found to be in declining health” involving bare soil, low seral status and low vigor.” See EA page E-26. Such an approach does nothing to prevent damage and instead only responds to (unanalyzed and undisclosed) damage that has already occurred. Indeed, the undefined “changes” to address such significant damage will only continue “until plan communities are back to satisfactory conditions” (See EA E-26) at which time the previous harmful grazing practices will be allowed to resume.

The AMS (and the project NEPA analysis) rely heavily upon ongoing monitoring. Yet the location, methodology and timing of monitoring is not analyzed and disclosed in the NEPA document. It is not until page E-9 that the reader learns that monitoring may only occur “every 5 years.” In other words the EA requires no monitoring (and hence no AMS implementation) 80% of the time.

Perhaps one reason that the EA elects not to disclose the monitoring locations, protocols, standards and frequency is because it is the “[p]ermittes [who] are responsible for monitoring forage utilization in the allotments throughout the grazing season...” Biological Assessment page 12. In other words, the party who has a direct economic interest in avoiding unpleasant monitoring results will in fact be the party conducting the monitoring during the grazing season. Page 12 of the BA goes on to state that Forest Service personnel may also *perform* spot checks...” The term “may” indicates that such an action may or may not occur. The term “may” does not provide the basis for a monitoring plan upon which an AMS could be based and analyzed.

It appears that the Forest Service has not established baseline conditions from which an AMS or monitoring program could be reasonably developed.

### **Post-Fire Grazing**

The proposed action to dramatically increase riparian and meadow grazing in the project area was developed and “scoped” prior to the significant impacts to hydrology, soils, vegetation and wildlife associated with the 2015 wildfires and the subsequent extensive “salvage” and “roadside” logging. The significant cumulative impacts associated with large-scale fire, post-fire logging and grazing in recovering post-fire (and post-logging) watersheds necessitate completion of an EIS prior to authorizing a massive increase in post-fire grazing activities.

Please note that the Lake Mountain and Middle Tompkins Grazing Allotment Rangeland Report acknowledges that the Forest Service has not accounted for the significant impacts of the fire and post-fire logging in its analysis:

*In light of this, we should regard the acreages presented in Table 2 as representing a snapshot in time: that is, the time prior to the effects of the Happy Camp Complex Fire. The precise post-recovery arrangements of these cover types across the affected landscape are unknown, but it is reasonable to expect a mosaic of these vegetative cover types will remain. It is unrealistic to alter the Cover Type acreages and percentages in Table 2 at this time due to uncertainties regarding which successional pathways will open up or be closed down for any given Cover Type within the project area. –Rangeland Report page 12*

Please note that the **attached** peer-reviewed 2004 study that appeared in Conservation Biology entitled Postfire Management on Forested Public Lands of the Western United States (Beschta et. al.) concludes that livestock grazing is “generally

inconsistent with efforts to restore ecosystem functions after fire.” The literature indicates that “postfire livestock grazing is widely recognized as an inhibitor of soil recovery and plant succession following fire, delaying the recovery of burned areas. Thus, livestock grazing should not occur in burned areas, particularly riparian areas, until vegetation recovery has occurred.”

Page 19 of the Rangeland Report acknowledges that “[h]ow the fire will influence development of transitory range on the allotments will probably take several years to determine.” Yet the KNF is proposing an immediate increase in grazing numbers and an expansion of the allotment size. We are assured that “[t]o allow for post-fire recovery of vegetation, livestock grazing areas will be modified within the project area where necessary.” In fact the only significant modification to livestock grazing areas contemplated in the EA is the resumption and expansion of grazing on the Middle Tompkins Allotment.

Page 7 of the Hydrology Report also acknowledges the uncertainty regarding the synergy and cumulative impacts associated with grazing recovering post-fire watersheds and concludes that there “is some uncertainty of how livestock will respond to proposed treatments from the Westside Fire Recovery 2015 Project.” The Hydrology Report indicates that “peakflow and sediment are expected to increase due to the wildfire.”

### **Refusal to Consider a Reasonable Range of Action Alternatives**

The pre-decisional bias to dramatically increase grazing in the project area led the agency to only consider needed fencing of Lookout Springs in the Lake Mountain Allotment if it could be tied to facilitating the grazing of an additional 250 cows/month in the adjacent Middle Tompkins Allotment. The Klamath National Forest offers no explanation for why it refuses to protect the Lookout Springs meadow in the Lake Mountain Allotment unless grazing is resumed and significantly increased in the adjacent Middle Tompkins Allotment. There is no logical nexus between the refusal to address aquatic harm in one allotment unless grazing is resumed in meadow and riparian features in the adjacent allotment.

Page 11 of the Biological Assessment hints at a possible explanation in stating that “it is highly likely, although not certain at the time of this document, that the current Lake Mountain permittee will also take management of Middle Tompkins.” This suggests a possible reason why cessation of riparian damage at the Lookout Springs site in the Lake Mountain Allotment is only considered in conjunction with a resumption (and increase) of grazing in the Middle Tompkins Allotment. Quid pro quo is the Latin phrase the comes to mind.

At no point does the KNF attempt to explain why the (currently ungrazed) Middle Tompkins Allotment which formerly supported 90 cow/calf pairs (Rangeland Report 17) is now proposed for over 250 cow/calf pairs despite the repeated excessive utilization documented throughout the allotment.

The KNF also provides no rationale for its refusal to consider a reasonable action alternative that seeks to implement the Aquatic Conservation Strategy of the NW Forest Plan and the Water Quality Restoration Plan for 303(d) listed watersheds in the planning area by reducing grazing levels as requested during project scoping. See EA page E-3.

### **The Proposed Action Will Violate the Aquatic Conservation Strategy and Will Increase Sediment and Temperature Concerns in Clean Water Act Listed Watersheds**

The Water Quality analysis in §3.3 of the EA contains a number of findings indicating that the proposed grazing activities will negatively impact water quality in Clean Water Act 303(d) listed watersheds and trend conditions away from attainment of the objectives of the Aquatic Conservation Strategy (ACS) of the NW Forest Plan.

As disclosed on page 10 of the Hydrology Report:

*“Direct impacts to riparian areas from grazing include destabilization of stream banks and compaction of soils in wet areas such as springs, wetlands, and floodplains...[while] Indirect grazing impacts to riparian areas include sediment delivery, channel widening, and decreased summer flows.”*

Page 28 of the EA indicates that with implementation of the proposed maximum grazing alternative:

*“In the Lake Mountain Allotment the existing livestock crossings across streams and trampling along stream bands would persist resulting in sediment input. Likelihood of detrimental impacts is high at the site scale.”*

The proposal to authorize detrimental site-scale aquatic damage and sediment input trends the areas away from attainment of ACS Objectives and fails to implement the Klamath Action Plan for 303(d) listed watersheds.

Page 29 of the EA states that:

*“In the Middle Tompkins Allotment all livestock crossings and past bank trampling have healed at the site scale, however, allowing livestock into this allotment will result in new sediment input to streams via livestock crossings and bank trampling.”*

Page 27 of the Hydrology Report echoes reinforces this conclusion:

*“All past livestock crossings and bank trampling have healed, however, allowing livestock into this allotment will result in new sediment input to streams via livestock crossings and bank trampling. Likelihood of detrimental impacts and consequences are high.”*

The proposal to increase sediment production via this project trends the area away from attainment of ACS Objectives and fails to implement the Klamath Action Plan for 303(d) listed watersheds.

As indicated on page 5 of the Hydrology Report, monitoring of Tompkins Creek indicates beneficial uses may be impaired due to sediment size over reference conditions and that Tompkins Creek and Middle Creek are over threshold for beneficial uses for juvenile salmonids. Yet the KNF is proposing grazing activities that will increase temperature and sediment.

The Water Quality analysis is clear that under the proposed maximum grazing alternative the increased “likelihood of detrimental [aquatic] impacts and consequences are high.” EA page 29. Similarly, page 30 of the EA indicates that for riparian vegetative conditions under the proposed alternative “the likelihood of detrimental impacts is high...”

Page 31 of the Hydrology Report acknowledges that the likelihood and consequences of nutrient pollution from riparian grazing on both allotments is “high.”

Pages 29 and 30 of the EA also anticipate that the proposed action will increase channel widening in both allotments and that “livestock will increase temperature within meadows by bank trampling, widening stream channels and grazing within the riparian reserve.” Again, these are exactly the types of impacts that the ACS and the Klamath Action Plan and TMDL are intended to prevent. Additionally, as discussed at E-15 of the EA the Waterboard Waiver for these watersheds associated with the TMDL process of the CWA specifically requires retention of natural shade conditions in riparian reserves to prevent additional sediment and temperature pollution. As stated on page 4 of the Hydrology Report, “[t]o help implement the Klamath River TMDL, the waiver of waste discharge requirements for non-point sources on federal lands includes conditions to actively treat legacy sediment sources and maintain and improve stream shade North Coast Regional Water Quality Control Board (NCRWQCB, 2010). Yet here the Forest Service is proposing actions that will remove streamside vegetation while directly contributing to increased sediment and temperature pollution.

Page 30 of the EA goes on to project that “the likelihood of detrimental impacts is high and consequences are high” for adverse streambank stability under the proposed grazing alternative.

Page 31 of the EA anticipates high detrimental impacts and consequences at the site and reach scale from grazing nutrient input in both allotments.

Appendix C of the EA contains an ACS “checklist” in which the KNF again relies upon undefined and undisclosed elements of the AMS to mitigate impacts to the ACS objectives. Additionally, the ACS analysis relies specifically on masking significant site-specific aquatic impacts by basing the analysis on the “watershed scale” in which harm to specific wet meadows and riparian features is ignored. The repeated reliance on

monitoring is misplaced given that past monitoring did not prevent significant aquatic harm from grazing in these allotments and because the monitoring program is not disclosed or analyzed in the EA, nor are protective steps that might be taken identified should monitoring reveal negative impacts.

The KNF's proposal to increase grazing that will result in increased sediment, nutrient loading, and streambank trampling is the antithesis of what the ACS is designed to accomplish. The ACS checklist ignores or defines away site-specific harm to aquatic values while relying on vague, post-implementation AMS actions that may or may not occur depending on the whim of the Forest Service. The assumption when discussing ACS 3 that grazing will occur from July to October directly contradicts the assumption in the very next ACS 4 that grazing will occur from May to October. The generic ACS checklist is designed to rubber stamp increased grazing numbers and acres at the expense of aquatic values. No attempt is made to explain why BMPs and the ACS have failed to prevent the significant ongoing harm to Lookout Springs that the Forest Service now assures us will be belatedly addressed (but only if the Forest Service can increase grazing elsewhere.)

### **The Proposed Action Will Have Significant Impacts on Sensitive Plant Species**

The Botany section of the EA contains no actual analysis, data or quantitative information. While page 56 of the EA acknowledges that the proposed grazing "may effect" individual Forest Service sensitive plant species, rather than disclose or analyze those impact, the EA relies upon the non-disclosed unanalyzed AMS. The contention on page 55 of the EA that 100 years of damage from cattle grazing relieves the KNF of its duty to disclose the impacts of its actions on Forest Service sensitive plant species is without merit. Indeed in the Svejcar et al. 2014 document that is cited by grazing advocates in the EA to support wet meadow grazing, the authors specifically conclude that the "[l]egacy effects of uncontrolled grazing during the homestead era further complicate analysis of current grazing impacts." This is the direct opposite conclusion of that reached by KNF planners at page 55 of the EA that extensive previous grazing renders likelihood of adverse impacts to sensitive plant species "low."

### **The Proposed Action Violates KNF RMP Scenery Standards**

The KNF grazing proponents propose eliminating 2/3rds of the Retention scenery designated lands in the Lake Mt. Allotment planning area. Such an action requires a formal Plan Amendment to the KNF RMP and ROD. As stated on page 58 of the EA, "The proposed action eliminates 1,419 acres of Retention from the Lake Mountain Allotment and adds 194 acres to the Middle Tompkins Allotment, reducing the total acres of Retention in the project area to 357 acres. The Forest Service offers no rationale for this change other than its clear preference for grazing over all other forest values.



As acknowledged at page 59 of the EA, in the scenic Retention lands “signs of management activities are not apparent.” The KNF’s proposal to simply change land use allocations where they conflict with its preference for grazing is arbitrary and capricious and would render the scenery standards and guidelines of the KNF RMP meaningless.

### **Inventoried Roadless Areas**

The EA is incorrect in its conclusion that the proposed grazing increase will not impact the “landscape character” of Inventoried Roadless Areas in the planning area. As discussed above, the proposal to violate scenic “Retention” standards and guidelines constitutes a direct impact to the landscape character of roadless areas.

### **Tyler Meadow**

*“Cattle grazing may contribute to the spread of noxious weeds by creating disturbed areas where weedy species can become established and/or by spreading noxious weed seeds to new areas.” Lake Mt. Middle Tompkins EA page 52.*

It appears that the KNF management for Tyler Meadow has consisted of the following:

1. Implementing a fire exclusion policy for decades that prevented the roll of fire in meadow, plant and fuels ecology.
2. Punching a road/fireline through the meadow without any NEPA analysis to facilitate the fire exclusion strategy.
3. Intentionally introduce creeping bentgrass to “rehabilitate” the damage from the road/fireline construction through the meadow.
4. Propose extensive grazing to address the bentgrass problem that the Forest Service created.

Please note that while the Forest Service rangeland grazing proponent contends that grazing Tyler Meadow may move it “toward a potential natural community” (EA page 2) the actual noxious weed analysis contained at page 52 of the EA concludes that not grazing the Middle Tompkins allotment would in fact result in “further reducing the risk of weed spread compared to Alternative 2 [in which grazing of Tyler Meadow would be encouraged].

The Forest Service rangeland grazing proponent cites Svejcar et al 2014 to support the contention that Tyler Meadows should be grazed to address the Forest Service introduced creeping bentgrass population. In fact the two-page Svejcar publication contains no findings whatsoever about creeping bentgrass and in fact does not address or discuss the impacts of grazing on creeping bentgrass. The words “creeping bentgrass” are simply not present in the article cited by the Forest Service grazing proponent to support grazing of Forest Service introduced creeping bentgrass. Indeed, the self-described purpose of the Svejcar paper is to challenge the idea that reducing grazing is an effective measure to

combat climate change. Hence it is an odd paper for the EA cite repeatedly to support grazing of Tyler Meadows as it has nothing whatsoever to do with addressing Forest Service introduced creeping bentgrass. However, the Svejcar paper does conclude that “grazing is a complex ecological process with impacts that vary across time and space” which argues for, rather than against, a site-specific analysis of grazing impacts on sensitive species and meadows in this project area.

In fact, it is clear that avoiding grazing of the creeping bentgrass is a better strategy than the one proposed in the EA. As stated on page 21 of the Rangeland Report “in absence of livestock grazing, introduced creeping bentgrass developed a dense litter layer that *restricts* fresh growth.”

### **Potentially Significant Impacts to Heritage Resources Necessitate Completion of an EIS**

Page 62 of the Lake Mountain and Middle Tompkins Grazing Allotment Management Plan EA clearly indicates that implementation of the proposed action will result in known heritage sites being “considered at risk of adverse direct effects over the short and long term” due to grazing activities authorized by the Forest Service.

The EA (page 62) goes on to disclose that despite the increased risk to heritage resources from proposed grazing activities the “extent and magnitude of the [adverse] effect is not well understood at this time.” In other words, the Forest Service cannot and does not analyze and disclose the magnitude and effects of the increased risk to heritage resources because it does not know what they are.

The EA does reveal that: (1) The project will result in high risk to heritage sites; (2) It is unable to determine the effects of moderate risks to heritage sites from increased grazing; (3) The agency intends to increase grazing anyway; while (4) Relying on post-NEPA monitoring that may occur as infrequently as once every 5 years.

If the agency wishes to make a decision to implement an action that may result in significant adverse effects with uncertain risks, it must analyze and disclose the consequences of its actions in an EIS as opposed to an EA.

### **Drift and Trespass**

KNF grazing managers have repeatedly proven unable or unwilling to contain grazing activities within designated grazing allotment boundaries. As discussed at E-33 of the EA, the past inability of the KNF to prevent cattle drift outside of the Middle Tompkins grazing allotment has lead the agency to proposing greatly expanding the size of the allotment and the number of cattle present in the allotment without analyzing or disclosing the impacts of trespass and drift. Such an approach is arbitrary and capricious.

Please note that page 10 of the Biological Assessment indicates that:

*“Past permittees have encountered difficulty in keeping livestock from crossing the ridgeline between Middle Tompkins Allotment to Lake Mountain Allotment, particularly if animals on the east side of the allotment are not moved prior to seasonal forage decline. Strategically placed take-down drift fence has not been effective and the installation of a permanent fence has been deemed cost prohibitive to build and maintain due to terrain and weather.”*

The Forest Service response to the previous repeated documented drift and trespass is to rely upon a discretionary AMS in which monitoring and corrective actions are not defined, quantified or mandatory. Indeed, page 11 of the Biological Assessment simply lists several corrective options that “may [or may not] be considered” at the whim of permit administrators.

### **Best Management Practices Have Proven Ineffective For These Allotments**

Rather than disclose or analyze the significant site-specific impacts of the proposed increased post-fire grazing of meadows and riparian areas, the EA largely relies upon a vague AMS to supplement BMPs that have proven to be wholly ineffective in this project area.

As noted on page 19 of the EA BMPs monitoring revealed that more than 10% of the Lookout Springs area has been significantly impacted by cattle hooves. Yet **no** corrective action has been taken. Indeed, the Forest Service now indicates that it is only willing to address existing significant damage to Lookout Springs if it can also dramatically increase grazing in the two allotments under analysis, while reducing scenic retention and increasing sediment production to riparian areas. BMPs have not and are not protecting range, hydrological, botanical and riparian resources in the project area from significant grazing impacts.

Despite the previous presence of BMPs, page 20 of the EA acknowledges that utilization standards were exceeded on the Middle Tompkins Allotment for “several years.” While the KNF declines to provide quantitative analysis of the impacts of this excessive grazing, or to even identify the “several” years in question, it is nonetheless clear that the mere presence of BMPs has not prevented harm to forest resources that was not disclosed or analyzed in agency NEPA documents that supported the grazing activities.

Additionally, the 2016 grazing EA clearly anticipates that even with implementation of BMPs and the AMS negative impacts to aquatic resources in impaired Clean Water Act listed watersheds are anticipated. As stated on page 28 of the EA after implementation of the KNF’s proposed maximum grazing alternative:

*“In the Lake Mountain Allotment the existing livestock crossings across streams and trampling along stream banks would persist resulting in sediment input. Likelihood of detrimental impacts is high at the site scale.”*

Page 29 of the EA goes on to disclose that:

*“In the Middle Tompkins Allotment all livestock crossings and past bank trampling have healed at the site scale, however, allowing livestock into this allotment will result in new sediment input to streams via livestock crossings and bank trampling.”*

At B-1 the Forest Service claims that the “most updated list of BMPs utilized in the project is available in the EA...” This statement is false as no list of BMPs is present in the EA outside of the few discussed in Appendix B (which directs the reader to the EA).

At B-1 the KNF again indicates that rather than disclose and analyze the requirements and effectiveness of project BMPs, the agency intends to rely on a vague and undefined AMS that will rely upon undefined monitoring that may result in discretionary agency actions in some undefined circumstances.

BMP 8.1 (at B-1) clearly directs agency planners to engage in “[s]election of annual and long-term monitoring protocols appropriate for local landscape conditions and management objectives.” Public scoping comments also requested the establishment (and analysis of) annual and long-term monitoring protocols. No actual monitoring protocols are identified or disclosed in the EA.

BMP 8.1 (at B-2) further requires the “[s]etting of trigger points based upon monitoring to implement the Adaptive Management Strategy.” No trigger points are settled, identified, analyzed or disclosed in the EA. No monitoring strategy is settled, identified, analyzed or disclosed in the EA. The AMS is not settled, identified, analyzed or disclosed in the EA.

BMP 8.2 (at B-2) requires adoption of an Adaptive Management Strategy. The EA makes repeated and numerous references to the AMS, but the content of the actual strategy (such as the timing and location of monitoring, the trigger points and the management actions) are not disclosed or analyzed. Instead the agency uses the word “strategy” without developing an actual strategy other than providing maximum discretion to the grazing administrator to choose between possible potential actions while increasing the number cattle and the acres to be grazed. As disclosed at F-11 “triggers such as stubble height or streambank alteration *may* be used...” but the heart of the strategy is to give unlimited, undefined, unanalyzed discretion to the rangeland manager to “take express actions” at their discretion and whim.

## **Soils**

The EA is unequivocal in its determination that the best action for soil resources in the planning area would be to eliminate grazing and the significant impacts associated with grazing. Page 37 of the EA concludes that:

*“[S]oil stability, soil organic matter and soil structure indicators would improve to the greatest extent under Alternative 1 with the elimination of livestock impacts, particularly in areas currently subjected to high use around wet meadows and springs.”*

Despite the conclusion above, it is foreseeable and inevitable that the KNF will not select Alternative 1 for implementation as it is a “show” alternative that does not correspond with the agency’s preference for grazing over the retention of other forest values.

Rather than analyze and disclose the site specific and cumulative significant impacts of grazing on soil resources, the KNF proposes (EA page 38) relying on largely subjective and unanalyzed “range readiness” standards such as limiting grazing in wet meadows to periods in which “for the most part” they are dry enough to withstand grazing pressure. No attempt is made to define or quantify what “for the most part” might actually mean.

As disclosed on page 38 of the EA, the KNF appears willing to substantively address the ongoing significant soils impacts at Lookout Springs in the Lake Mountain Allotment *only* as a side-board to dramatically increasing the amount and size of grazing in the adjacent Middle Tompkins Allotment. Such an approach is arbitrary and capricious.

### **Willow Flycatchers**

While KNF grazing advocates acknowledge impacts to Willow Flycatchers and their habitat as “significant” (EA page 4) yet the Forest Service has nevertheless refused to either conduct an EIS review regarding this significant issue or offer meaningful, measurable, quantifiable protections for willow habitat. Instead the agency relies upon vague and discretionary “willow habitat monitoring” that is neither analyzed or disclosed in the EA.

The EA (page 45) does clearly indicate that “willow and alder habitat adjacent to wet meadow complexes are very limited in the area,” yet no substantive protections are offered to this significant and “very limited” habitat type despite ongoing documentation of grazing impacts.

Ongoing and past grazing in the project areas has resulted in “some damage to individual willows and cow trails and bedding areas are evident, that could effect individual nesting willow flycatchers.” EA page 45. Yet the agency is proposing to dramatically increase grazing numbers while offering no substantive protections to this significant and “very limited” habitat type. The agency’s proposal to rely upon an undisclosed and discretionary AMS that only addresses habitat damage after it occurs is arbitrary and capricious.

The contention at F-2 of the EA that increasing cattle grazing in willow habitat by 250 cow/calf pairs will result in “reduced impacts to willow flycatchers and their habitats” is arbitrary and capricious.

## **Wildlife**

Despite timely public scoping requests to disclose and analyze the impacts of proposed grazing on wildlife species such as frogs, Pacific fishers and migratory birds, the EA wildlife analysis contains no actual population data, baseline habitat information, or quantified analysis regarding grazing impacts to species or habitats. Instead the EA presents conclusions that lack a foundation in analysis or data.

## **Conclusion**

We are disappointed, but not surprised, that grazing proponents in the KNF chose to link overdue protections for Lookout Springs (Lake Mountain Allotment) with a proposal to increase the intensity and size of grazing in the riparian reserves and meadows of the adjacent Middle Tompkins Allotment. The EA clearly establishes that the proposed increase in grazing numbers and acres in Middle Tompkins will lead to additional negative impacts to hydrological, riparian, botanical, wildlife scenery and soil values.

As reflected on page 17 of the Rangeland Report, the prior authorization of 90 cow/calf pairs in the Middle Tompkins Allotment resulted in “overutilizing Tyler and Middle Creek Meadows.” The agency’s response to that prior repeated overutilization is to propose to now authorize 250 cow/calf pairs in the Middle Tompkins Allotment. Such an approach is arbitrary and capricious.

The decision to maximize grazing in the planning are appears pre-ordained and inevitable. We are not convinced that substantive public input, site-specific environmental conditions or the standards and guidelines of the Klamath National Forest Resource Management Plan or the Northwest Forest Plan can alter the agency’s preference for grazing over all other forest values.

Please ensure that we are provided with hard copies of all forthcoming NEPA and decision documents regarding this project.

Regards,



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