October 24, 2018

7650 S. McClintock Dr., #103-248
Tempe, AZ 85284

Mr. Curtis Booher, Safford District Ranger
Coronado National Forest
711 14th Avenue, Suite D
Safford, AZ 85546

Dear Mr. Booher,

I am writing to submit comments on your recent livestock management proposals for the Seventy Six, Cedar Springs, and Two Troughs grazing allotments, which are permitted to the 76 Ranch, owned by the Bonita Cattle LLC. As you are probably aware, I previously submitted comments on this project on May 10, 2014, in response to the original proposals.

In those comments I raised several issues, including the legality of the proposal to build a pipeline to transport water from South Taylor Spring, which is located on the Seventy Six allotment, in order to water cattle at a location outside the boundaries of the Coronado National Forest. Your September 2018 draft environmental assessment (EA) doesn't mention this proposal.

In 2014, however, a coordinated resource management plan (CRMP) was completed for the 76 Ranch. According to the CRMP, the ranch is comprised of approximately 70,991 acres, including Forest Service, state, and private land. The CRMP included a proposal to build a 4,900-foot-long water pipeline from Taylor Spring to the ranch's Headquarters pasture, which is located off the Forest. And it proposed another 9,500-foot-long pipeline to this pasture that also appeared to originate on the Forest. I believe these pipelines were part of the Arizona Game and Fish Department's Eastside Water Development Project, a livestock waters project that was characterized as a wildlife waters project. The documentation the Department distributed at the time showed the project would cost $93,480, including $32,400 from the Department's Special Big Game License Tag Fund, $18,180 from your Forest, and $42,900 from the Arizona State Land Department's Livestock and Crop Conservation Grant Program. Did these pipelines get built? If so, please provide more information about them.

Another thing the 2014 CRMP called for was spraying the herbicide Tebuthiuron to kill brush on at least 2,373 acres of Forest Service land on the Two Troughs and Cedar Springs allotments. Your draft EA doesn't mention this. The EPA has issued warnings that Tebuthiuron has a great potential for groundwater contamination, due to its high water solubility and long persistence in the soil. And it can also

prevent the growth of **all** vegetation in an area for several years after its application. Obviously, it would be inappropriate to use this poison on public lands just to try and try to grow more herbaceous forage for cattle. Was this proposed Tebuthiuron treatment ever completed?

The CRMP also proposed the construction of much more than just the two pipelines mentioned above. The entire plan called for 6 new water wells, 47.3 miles of pipeline, 29.7 miles of fence, and 11,176 acres of "brush management" treatments. A September 22, 2014, State Land Department memo estimated the cost of the portion of these proposed projects that were to be located on the ranch's state grazing lands to be $386,962.

The current owner of the 76 Ranch acquired it in 2010. According to the Environmental Working Group's Farm Subsidy Database, from 2011 through 2016 the Bonita Cattle LLC has received $524, 204 in payments from the Livestock Forage Disaster Program, $97,392 from the Emergency Conservation program, and $87,513 in miscellaneous disaster payments, for a grand total of $709,109 in total disaster payments from the federal government due to Arizona's ongoing severe drought.

Furthermore, during this same time the Bonita Cattle LLC received $107,150 from federal government's Grasslands Reserve Program. And who knows if the Arizona Game and Fish Department and/or the State Land Department has subsidized the construction of any other new livestock waters on the ranch besides the two pipelines mentioned above?

The CRMP said that, in 2014, the ranch's total herd was about 800 head of cattle, or about 60% of the permitted stocking rate. If you divide $709,109 by 800 that works out to costing the taxpayers about $886 per head – and that's just counting the disaster payments. The point I'm trying to make is that trying to maintain this ranch at the currently permitted number of cattle is costing the taxpayers a lot of money. It appears from your proposed action to build at least 7 new cattle watering sites on these three allotments that the Forest Service has decided its response to Arizona's continuing serious drought is to spend whatever it takes to keep as many cattle on the land as possible. Your draft EA, for example, doesn't even mention how much these new waters would cost. What is their estimated cost and is the Forest Service going to pay for them?

This important policy decision about your agency's drought response strategy appears to have been made by senior federal government officials, as I have recently seen similar proposals from other National Forests in the Southwestern Region, including the arid Tonto National Forest, which has almost 800,000 acres of Sonoran Desert. This issue will become increasingly important because scientists predict the Southwest will become more arid and droughts more frequent due to climate change. But despite its significance, this policy decision appears to have been made in secret because it hasn't been explicitly described in any of your agency's public documents.

The National Environmental Policy Act (NEPA) public planning process could be an excellent tool to address the question of how much we should invest in managing cattle grazing on public lands during severe, long-term droughts. But using the NEPA process for this would require the your agency to implement it in the manner in which Congress intended it be used. The heart of NEPA is the comparative analysis of reasonable alternatives, including a "no action" alternative. But your draft EA disingenuously manipulates the comparison of this project's alternatives by making the no action alternative the no grazing alternative, despite the fact that the continuance of the existing livestock management situation would be the true no action alternative. The only other alternative in the draft EA is your proposed action, which creates a Hobson's choice wherein the only possible grazing alternative is the one you are proposing. It's a corruption of the NEPA process because it fails to consider any other reasonable alternatives, such as a reduction in permitted livestock numbers, which would reduce the necessity of a large public investment in new livestock waters and acknowledge the long-term likelihood of an increasingly arid climate.

Moreover, your manipulation of the NEPA process isn't the only way you have corrupted this project's planning process. The 76 Ranch's CRMP shows that the previous district ranger, Kent Ellett, signed it on April 21, 2014, indicating that its basic terms were completed prior to that. He subsequently issued the scoping letter to initiate this project on April 25, 2014. This means the objectives of this project were defined by the CRMP. This is inappropriate because Forest Service lands are managed under the multiple use doctrine, which is more restrictive than the laws governing private and state land. Additionally, the NEPA public planning process isn't used to draft CRMPs, and the Forest Service cannot enforce the terms of a CRMP. Federal law has precedence over state and local law, so the NEPA planning for these three allotments should have been completed prior to the drafting of a CRMP, and the resultant allotment management plans should have influenced the terms of the CRMP - not the other way around.

In regards to allotment management plans, the CRMP said that your office completed a single allotment management plan (AMP) for these three grazing allotments on October 14, 2010. I can't find any records indicating that you engaged the NEPA process to complete that AMP, and your draft EA doesn't show that you initiated Section 7 consultation with the U.S. Fish & Wildlife Service (USFWS) to ensure the new AMP complied with the Endangered Species Act. Moreover, your draft EA states NEPA analyses were completed for the Cedar Springs and Two Troughs allotments in 1981, and for the Seventy Six allotment in 1995, but there is no mention of a 2010 AMP. Can you please explain these contradictions?

Your proposed action also raises some questions. The draft EA says the new livestock waters are needed because "lack of reliable water has been the limiting factor on all of the allotments" and they will "improve livestock distribution and pasture reliability." It explains that on the Two Roughs allotment in particular, the "lack of reliable water has been the driving factor for not stocking the allotment over

the past several years." So, the new waters are intended to allow the allotments to be fully stocked, even when there's a drought.

This implies that the allotments are in good enough condition to be fully stocked at the currently permitted numbers. As for the soil conditions on these allotments, the draft EA states on page 28 that the most recent assessment data, collected in 2015, showed that all sites were assessed as having satisfactory soil conditions. But the information you previously provided to the U.S.F.W.S. that's included in their resultant October 24, 2002, biological opinion was very different. Appendix F of the opinion showed that you assessed soil conditions as being unsatisfactory on 63% of the Cedar Springs allotment, 61% of the Two Troughs allotment, and on 12% of the Seventy Six allotment, and another 44% of this allotment had impaired soils. How could soil conditions improve so much in just 13 years, especially during a severe drought? Your draft EA attempts to explain it this way:

"Because these units were not initially verified in the field, the results of the 2002 Biological Opinion showed soil erosion modeled GES soil conditions. The changes in soil condition classes are therefore not all improvements; some are a representation of better available site-specific data that was not previously available."

But the 2002 biological opinion says the information you provided then about the soil conditions on these allotments came from "site specific analysis." Can you please more clearly explain how these two soil condition assessments can be so dramatically different?

As for upland vegetation conditions, the draft EA states that, "All three allotments are largely meeting or moving towards forest plan standards." But only one key area was monitored on the Two Troughs and Cedar Springs allotments, and three key areas on the Seventy Six allotment. The 2002 biological opinion said that 10% of the Seventy Six allotment was in moderately low condition with a downward trend. The 76 Ranch CRMP said that some perennial grass species were "drastically reduced in 2013" on these three allotments, due to the "persistence of drought." And it appears the key areas on these allotments haven't been monitored since 2013, while there's been five years of drought since then.

As for riparian area conditions, the draft EA states that there are two riparian areas on these allotments, Eureka Canyon and South Taylor Canyon, and in 2015 they were "found to have a diverse age class of riparian species." Does this mean proper functioning condition (PFC) assessments were completed for them?

When it's all added together, this monitoring information doesn't inspire confidence that these allotments are in good enough shape to be fully stocked at the existing permitted number of cattle – especially during a drought. According to your draft EA, and despite the drought, the Cedar Springs and Seventy Six allotments were fully stocked for the past 8 years. The Two Troughs allotment was fully stocked for the

past two years. This means the areas around their existing livestock waters are probably in poor shape.

The new livestock waters in your proposed action are supposed to allow the cattle to spread out more, thereby alleviating grazing pressure on these overused areas. But the map of the new water troughs proposed for the Two Troughs allotment indicates they will be located in the bottomlands, which are likely already overused. Moreover, as long as there's a drought all you are really doing is increasing the areas on these allotments that are being denuded by grazing. The answer to drought isn't to build enough waters to keep cattle on the land as long as possible to give them a chance to eat every available plant, but to reduce their numbers to protect publicly owned natural resources. If cattle are allowed to eat almost all of the accessible vegetation, than what's left for the wildlife? It's often argued that wildlife benefit from cattle watering sites, but many of Arizona's wildlife species are adapted water scarcity, and there's more to wildlife habitat than just water, as wild animals also need food and cover. Research has shown, for example, that forage quality is the most important habitat component for desert mule deer, and additional livestock waters have little impact.

In conclusion, I believe that your draft EA violates NEPA because it fails to consider a less expensive, common sense grazing alternative that addresses drought and considers the likelihood of increasing aridity in the region due to climate change by reducing permitted cattle numbers. The Forest Service often claims there's no need to reduce the officially permitted number of cattle because they can always be temporarily reduced through "adaptive management." But I don't see much evidence of adaptation to drought in the existing management of these allotments.

Also, I had to rely on obtaining a copy of the 2014 76 Ranch CRMP from another source in order to get access to a lot of vital information about these allotments. I suggest you should add it as an appendix to this project's final EA, since it was the driving force of your proposed action.

Thank you for this opportunity to participate and please keep me updated on the status of this, and all, or your livestock management projects.

Sincerely,

Jeff Burgess
Ph 602-819-0795

References

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