



July 27, 2020

Attn: Oak Knoll Range Project Objections
Patricia Grantham
Forest Supervisor
1711 South Main Street
Yreka, CA 96097

RE: Oak Knoll Range Project Objection as per 36 CFR 218.8

- **Project Name: Oak Knoll Range Project**
- **Responsible Official: District Ranger Jeremy Sullens**
- **Happy Camp/Oak Knoll Ranger District**

Thank you for accepting this Objection pursuant to 36 CFR § 218 from the Klamath Siskiyou Wildlands Center (KS Wild), the Environmental Protection Information Center (EPIC), the Klamath Forest Alliance (KFA), and the Western Watersheds Project (WWP) concerning the Oak Knoll Range Project Draft Decision Notice. For the purpose of this Objection KS Wild is the “lead objector.”

Scope of this Objection

As per 36 CFR § 218 this Objection applies to the draft decision to authorize grazing activities associated with the East Beaver, Hornbrook and Ash Creek grazing allotments.

Objection

“Drift of KNF-permitted cattle has been an ongoing problem for decades.”

-July 20, 2016 KNF email 8:26 AM from Rangeland Management Specialist Daniel Henklein to William Tripp.

“I am concerned that the permittees are not riding herd enough. Two days per week minimum should be typical. More would be better. I don’t see how he can do it with a full-time job. I’m not happy.”

-June 22, 2017 KNF email 8:07 AM from Rangeland Management Specialist Daniel Henklein to Jeff Marszal.

“[Rooted Frequency Plot] Grouse Gap A is in a wet meadow location and is in unsatisfactory condition with a downward trend.”

-Oak Knoll Range EA page 18.

Objection Point #1: Bias, Scoping and Project Purpose and Need

Our organizations are under no illusion that comments, science or foreseeable resource impacts will alter the pre-ordained outcome of this project one iota. Indeed, the Forest Service has identified the “purpose” of this project so narrowly as to preclude reasonable alternatives and to ensure a preordained outcome in which grazing levels and practices remain unchanged. Both the Environmental Assessment (EA) and the Draft Decision Notice (DDN) indicate that “the purpose of the proposed action is to provide for continued livestock grazing in the East Beaver, Hornbrook and Ash Creek Allotments...” Hence the substantive decision to authorize grazing activities in these allotments has already been made and the agency unlawfully committed itself to authorizing grazing activities prior to analyzing the impacts of that decision and prior to considering public comments regarding that decision.

Forest Service grazing proponents have precluded a meaningful NEPA planning process by eliminating the scoping period for this project. The public has been denied an opportunity to identify issues of concern for analysis and an opportunity to suggest reasonable alternatives to the agency’s grazing proposals. Had the agency been willing to accept public input prior to developing its single (and inevitable) grazing proposal, our organizations would have suggested that the Forest Service consider the reasonable alternatives of (1) a shortened grazing season to better protect botanical resources, (2) a reduced number of AUMs in the East Beaver Allotment to better allow for range management and (3) the use of a mandatory full time range rider to address decades of “drift” and trespass originating on the East Beaver Allotment. Please note that a March 23, 2010 document from Gibson Hartwell of the Ecosystem Research Group indicates that a Klamath National Forest (KNF) Oak Knoll ID Team member suggested development of an alternative that included use a full-time range rider- yet such an alternative has never been developed or analyzed by the agency. Further, if the agency had not written this EA prior to conducting a public scoping period we would have identified unique ecological values of the Siskiyou Crest that should have been analyzed in the agency’s NEPA document.

The agency’s reliance on 36 CFR 222.2 to circumvent NEPA, meaningful public input, scoping, and preclude consideration of a reasonable range of alternatives while ramrodding the process to a conclusion that reauthorizes the current level of grazing is misplaced. In fact, 36 CFR 222.2 does not waive the agency’s requirements under NEPA and NFMA. Rather, 36 CFR 222.2 does require the KNF to analyze the proposed allotment and to conduct careful and considered consultation with entities including the landowners and the State. The KNF has hand-picked the

voices it chooses to hear. While the agency caters to the grazing permittees and Siskiyou County, the KNF has failed to conduct careful and considered consultation with the State of California, the State of Oregon, the Karuk Tribe, affected timber companies (including one who previously appealed renewal of these grazing permits), adjacent private land owners, the public, conservation organizations and staff and officials of the Rogue River-Siskiyou National Forest.

Please also note that while the project may affect Coho salmon and their habitat, the project web site fails to contain a Biological Assessment or any other document addressing the need for the KNF to consult with NMFS about these impacts. Hence the public is precluded from being able to provide timely comments that are informed by a disclosure of the status of Coho in the project area and the effects of the proposed grazing on Coho and their habitat.

Proposed Resolution to Objection Point #1: Conduct a NEPA process that recognizes management needs in addition to grazing and that collaborates with entities other than and in addition to grazing proponents. Define a project purpose and need that addresses the desired future conditions for wet meadow habitats identified on page 6 of the EA.

Objection Point #2: Refusal to Consider Action Alternatives

The KNF's decision to forego public scoping while developing a single action alternative to meet an extremely narrow project purpose resulted in an unlawfully narrow range of alternatives within the EA. While the Forest Service refused to develop hard and fast on and off dates and AUMs for the East Beaver Allotment it is clear that reductions in the grazing season or the grazing levels was not considered, contemplated or analyzed in the EA. Had our organizations been allowed to provide timely scoping comments we would have suggested reductions in the season of use and level of use in order to better allow for range management while reducing significant impacts to botanical, hydrological, riparian, recreational and wildlife values of importance. Similarly, in the May 2010 "Siskiyou Crest Rangeland Management Strategy" KNF grazing staff acknowledges reasonable recommendations regarding changes to the season of use, increased fencing, stricter enforcement, joint allotments and mandatory paid range riding. Exactly none of these reasonable alternatives were developed or considered in addition to the agency's single, preferred, inevitable maximum grazing alternative. Additionally, please note that a KNF document describing a September 10, 2009 field tour with the permittee indicates that the grazing permit holder "liked the take down fence that existing along the crest 15 years ago" because it "eliminated the drift [trespass] onto the Rouge (sic) NF." Yet the KNF refuses to consider or analyze the use of such a fence. Further, as previously mentioned, a March 23, 2010 document from Gibson Hartwell of the Ecosystem Research Group indicates that a KNF Oak Knoll ID Team member suggested development of an alternative that included use a full-time range rider- yet such an alternative has never been developed or analyzed by the agency. Lastly, please note that in a February 4, 2016 correspondence to Mr. Marshik, KNF Rangeland Management Specialist Stephanie McMorris writes that:

*KNF is aware of livestock coming off the East Beaver grazing allotment and entering the headwaters of Grouse Creek in the vicinity of recreational lands, and is committed to discouraging cattle from entering the upper reaches of Grouse Creek and the limit drift (sic) over the Siskiyou Crest...KNF is currently working on long-term solutions, but **until***

an effective drift fence can be constructed to bar cattle from the Grouse Creek headwaters, we will continue to instruct permittees to remove livestock from the area through herding...”

- **Proposed Resolution to Objection Point #2:** Conduct a public scoping period that allows stakeholders to propose reasonable action alternatives for the agency to consider and analyze. Conduct the NEPA process to allow for and encourage stakeholder involvement rather than developing an EA to justify a pre-ordained outcome through a single inalterable action alternative. Additionally, as per Western Watersheds Project v. Abbey, 719 F3d 1035, 1052-53 (9th Cir. 2013) the KNF should consider and analyze a reduced grazing alternative that is more consistent with the agency’s RMP objectives for botanical and aquatic forest management.

Objection Point #3: Ignoring Chronic Permit Violations

The KNF has clearly and repeatedly failed to administer the terms of the grazing permit. Cows from the Oak Knoll Allotments regularly and predictably trespass onto the Rogue River-Siskiyou National Forest (RRSNF). It is also clear from the EA that cows move between allotments within the KNF. Through the Freedom of Information Act (FOIA), KS Wild has obtained documentation of dozens of instances of trespass. Moreover, several RRSNF correspondence to the KNF document such trespasses. The KNF has ever done anything substantive or effective to address these clear violations of the term grazing permit. Without enforcement of the most basic measure of the allotment (the boundary), the FS cannot with any level of confidence claim that the allotment management plan update for Oak Knoll Grazing will produce the environmental effects described in the EA.

The implementing regulations for NEPA state, "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken...public scrutiny [is] essential to implementing NEPA." 40 CFR 1500.1(b). Also, "federal agencies shall to the fullest extent possible: (b) implement procedures to make the NEPA process more useful to decisionmakers and the public, (d) encourage and facilitate public involvement in decisions which affect the quality of the human environment." Id. at 1500.2.

Yet the KNF cannot even bring itself to use the word “trespass” let alone seriously address the ongoing, predictable, inevitable and ongoing significant trespass. Indeed, the Forest Service indicates that it will not disclose, let alone analyze, the on-off dates or the AUMs that would be authorized by the project. The EA offers a vague assurance of “regular” monitoring by the agency and the permittee which is substantially identical that the assurances that have proven false and ineffective at preventing trespass for the last several decades. There can be no question that the ongoing controversial trespass grazing on the Siskiyou Crest is a significant issue that must be addressed and documented in an EIS. As clearly stated in the 7/24/14 RRSNF Glade Creek Upper Meadows Best Management Practices Evaluation, “cows from the Klamath National Forest *illegally* cross onto this allotment and graze this area. [The agency] is trying to control this but are still having some problems.” (emphasis added). The Forest Service (RRSNF)

is correct, the ongoing trespass grazing is illegal and KNF efforts to address it have consistently proven ineffective.

It is important to note that trespass is occurring in more areas than just McDonald basin. It is also common to find cows at several other locations on the RRSNF in violation of the KNF grazing permit. Upper Glade Creek is used frequently by KNF cattle with orange ear tags and bells. Spotting livestock in this area throughout the season is tough due to terrain, so hiking is required to view this area. Upper Ashland Watershed, McDonald Basin, Monogram Lakes, Siskiyou Gap, Wrangle Gap, Wrangle Creek, Alex Hole, Glade Creek and other areas have all been identified as places where trespass is occurring. If the KNF is not going to take action to prevent trespass (e.g. take permit action, build a fence or otherwise ensure no trespass), it needs to fully analyze the impacts of grazing in these aforementioned meadows in an Environmental Impact Statement that directly addresses the significant and controversial impacts of continued trespass.

The KNF describes cows regularly and predictably moving off the East Beaver Allotment and onto the RRSNF as merely “drift.” This is an unfortunate attempt to downplay a clear permit violation. According to a letter regarding East Beaver from the RRSNF to Ranger Harris “We have had reports as low as 10 and up to 20 to 30 head at a time for up to two weeks.” This is far more than casual use as the RRSNF has documented to the KNF.

Perhaps there is so little forage available on the KNF that the cows rely on forage outside the allotment. Indeed page 20 of the “consideration” of public comments indicates that the KNF confuses “primary rangelands” with “capable rangelands” while page 22 acknowledges a “lack of primary rangelands within these allotments.” Hence it is predictable and foreseeable that cattle from these allotments continually seek to leave the allotments and graze in the botanically rich wet meadows on the adjacent RRSNF. The cows are so predictable in their use of the RRSNF that it cannot accurately be described as mere “drift.”

The trespass/permit violations have occurred for many decades, they have been repeatedly reported to the KNF and they have been the topic of discussion on numerous field trips, meetings and correspondence. It should be no surprise to the KNF nor should the KNF refer to it as some sort of accidental, casual drift. It biases the EA analysis to downplay this issue, which requires analysis in an EIS. ***Moreover, the reports from volunteers and the public probably only capture a very small percentage of the violations.*** For instance, Table 11 in the EA relies primarily upon sporadic public reports of “drift” and contains no information about KNF or permittee efforts to identify and reduce trespass grazing. As stated on page 34 of the EA “attempts to locate and identify drift (sic) cattle are dependent on how frequently the KNF permittees and range staff are out on the allotments.” Yet the EA fails to disclose any history, logs or data regarding attempts by KNF permittees and range staff to proactively locate trespass cattle. Indeed, the EA fails to acknowledge a single instance of the permittees proactively finding and removing trespass cattle.

Further, there is no record indicating that the KNF has ever taken any meaningful permit enforcement action. Without enforcement the permit lacks legitimacy. There has never been the required collection of funds for excess use in light of the numerous reports of trespass. There have not been any reductions in the number of AUMs as a result of the violations as far as we can determine. The permit season has never been truncated. There have been no years of rest. ***The KNF has been unable and unwilling to enforce its Term Grazing Permit and Annual***

Operating Instructions for these allotments. As noted on page 56 of the KNF FY 2018 Monitoring and Evaluation Report, the East Beaver permittee was once again not in compliance with the terms of the AOI and yet again there were no substantive consequences for non-compliance. As stated on page 1 of the cover letter for the Oak Knoll draft decision notice, the KNF is solely concerned with achieving the subjective “need” to acquiesce to a “demand” for public lands grazing from three ranchers who benefit financially from the allotments at issue.

The FS attempt to address the numerous grazing problems consists of a Management Strategy that has repeatedly failed to work. The “Siskiyou Crest Rangeland Management Strategy was developed as a working draft in 1994 and was updated in October of 2004 and in June of 2010.” Permit violations continue unabated under this strategy. Yet, the FS has not issued any cancellations or suspensions, in direct violation of the Grazing Permit Administration Suspension and Cancellation Guidelines. Further, the proposed “adaptive management” in the 2020 EA simply repeats the same failed post-hoc monitoring strategy and toothless non-enforcement policy that has failed over and over and over again.

The issues that the KNF associates with the lack of permit compliance and the continued trespass of cows are extensive and significant:

The following are some of the barriers to success for the strategy over the years.

- *Physical, geographical and topographical limitations that prohibit absolute exclusion of open ranging livestock.*
- *Inconsistent approaches to permit administration by Forest Service units.*
- *Lack of resource data, current environmental analysis and updated allotment management plans.*
- *Apparent lack of trust and confidence between permittees and agency personnel regarding management decisions, and the rationale behind them.*
- *Lack of information sharing among agencies and in agency-permittee working relationships.*
- *Frequent turnover of agency personnel.*
- *Failure of permittees to abide by Annual Operating Instruction letters regarding locations of salting grounds, off dates, and movement of livestock during the grazing season.*
- *Lack of agency and permittee flexibility in changing cattle on/off dates and turn out numbers.*
- *Periodically improper care and maintenance of range structures.*
- *Inaccurate information shared between agency and permittees about cattle locations and identification.*
- *Conflicting management objectives regarding allotment monitoring between Forests.*
- *Costly, short-lived range structures due to high elevation snowpack (fencing, etc).*
- *Unpredictable or fluxuating annual range budget for agencies.*
- *Changing/conflicting priorities for limited range resources and dollars.*
- *Reluctance of permittees to consider new or altered grazing strategies proposed by agencies to decrease over use, restore degraded sites, and rest areas for given amount of time.*
- *Lack of permittees checking utilization levels in areas of their allotment. Permittees not*

taking a proactive approach to meeting objectives.

- *Ever changing/inconsistence in weather patterns and water sources effecting the and grazing pattern of cattle.*

The proposed mitigations in the EA are not adequate to address the problems previously acknowledged by the KNF above (that are not reflected or analyzed in the EA). For instance, the FS gives the permittee several days to comply with a trespass violation notice, but dozens of cows (not unordinary, see the aforementioned internal FS letter) may cause significant damage to high elevation meadows and aquatic resources in that amount of time. Further, the notice to the permittee only occurs *after* the cows have trespassed and when the KNF actually documents the trespass. **It is entirely a reactive, backward looking process that does little to nothing to prevent trespass.** As stated at page 34 of the EA, “attempts to locate and identify drift cattle are dependent on how frequently KNF permittees and range staff are out on the allotments.” Decades of trespass have established the permittees and range staff are unable or unwilling to effectively locate or prevent trespass, and indeed the primary examples of documented trespass occurs from public reports as opposed to proactive work by the KNF or the permittees. The permittees should not have cows outside the allotment boundaries at all, much less for several days after someone else reports them. The permittee must be required to actively ride the allotment and ensure that cows are kept off the RRSNF. If this is not possible (i.e. if the allotment boundaries cannot be administered), the permit should be modified, suspended or cancelled.

Note that page 53 of the EA indicates that the KNF intends to authorize grazing in 7 archeological sites that are at-risk of damage. Yet the agency only intends to implement “Standard Resource Protection Measures” *after* “degrading damage has occurred.” The KNF’s process of acknowledging the probability of illegal grazing impacts, waiting for those impacts to occur, and then (if the agency is monitoring at the correct time) implementing ineffective mitigation measures while the permittee continues to violate the permit, is unlawful and unethical.

Please note NEPA is primarily a procedural statute: It mandates a particular *process* but not necessarily a particular *result*. Inland Empire Public Lands Council v. USFS, 88 F.3d 754, 758 (9th Cir. 1996). This process must proceed without undue bias from the action agency and ultimate decision maker. Otherwise, neither the public nor the ultimate decision maker is fully aware of the potential consequences of the proposed action. “Bias in the impact statement, of course, renders impossible the fair and careful evaluation of a project's environmental effects demanded by NEPA.” NRDC v. Callaway, 389 F. Supp. 1263, 1273 (D. Conn. 1974) citing Calvert Cliffs' Coordinating Comm., Inc. v. US Atomic Energy Commission, 449 F.2d 1109, 1115 (D.C. Cir. 1971).

In this instance, the KNF is moving forward with a management plan that is not appreciably different from those that have failed for decades. Moreover, the KNF is failing to admit (both internally and to the public) that a problem exists involving continual trespass and permit violation. Many members of the public and the RRSNF have provided accounts, reports and data to the KNF establishing longstanding trespass and AOI violations. However, the KNF again refused to meaningfully address this problem in the Oak Knoll Range EA therefore ensuring that continued trespass grazing into the future and continued permit violations.

A May 4, 2010 KNF Memo containing Conference Call notes illustrates exactly how the KNF elects to downplay and obfuscate the significant impacts associated with ongoing trespass:

“We need to be careful with how to include the Rogue and the drift issue. We know It’s occurring, but we need to be careful with what we say -perhaps say something like ‘we know there is drift, but there is no confirmation of any environmental impacts attributable to drift.’ Perhaps there are some effects, but they are probably not necessarily long-term nor degrading...”

KNF planners have been coached to avoid acknowledging what everyone knows to be true: namely that trespass is chronic and routine and that only a small percentage of the “drift” is reported or documented. These inconvenient facts nevertheless slip out on page 6 of the final Botanical Biological Evaluation in which establishes that “This [noxious weed] population is spreading from larger, established infestations in the Dry Lake/Horse Creek allotment and across the border on the Rogue River-Siskiyou National Forest. **Cattle regularly drift between these areas** and are evidently spreading this species into un-infested areas.” (emphasis added).

Indeed, a February 16, 2020 correspondence from permittee Roger Akkerman and Harvey Hagedorn to the KNF reveals the existence of an intentional policy by the permittees to hide evidence of widespread trespass or “drift” from the Forest Service and the public. One reason that the KNF may not fully understand the significant and routine nature of the trespass is because the permittees “work together with our RRSNF permittee neighbors and handle the drift amongst ourselves, and not (sic) go screaming to the USFS.” For this, and many other reasons, the Forest Service contention at page 33 of the EA that some years there has been “no drift at all” is arbitrary and capricious and not based in reality.

Further, the KNF has no ability or intent to limit East Beaver cattle to the lower elevations of the allotment to prevent significant early season harm to botanical resources and aquatic values. The assumption on page 17 of the EA that cattle will not be in the high country prior to July 15th lacks a credible foundation. As stated in a June 22, 2017 email from KNF employee Daniel Henklein to Jeff Marszal (at 8:07 AM) “I am afraid that cattle have moved through the woods and onto the Crest too early **out of habit**, even though there is still plenty of green forage in the transitory range at lower elevations.” (emphasis added) The EA fails to acknowledge or address this “habit” or the resulting impacts to botanical and aquatic resources. Further, the “habit” at issue is not reflected in the KNF rosy assumption that “drift” is not occurring if no one reports it.

Further note that the environmental impacts are significant and severe. The same June 22, 2017 email continues:

*Yesterday I gained access to Deer Creek Meadow for the first time after 6 previous attempts were stymied. R. Rainey cows were in there (a big no-no!). I just wrote a half-page into the handwritten administrative record on this. I called Casey Rainey’s voicemail at 3:30PM yesterday upon return, and informed him that the Crest would not be ready to receive livestock this year until August 1st at the earliest. (Normal is July 15th) **Deer Camp Meadow is flooded and has been punched and grazed too early.***

Please note that the permittees are aware of “problem cows” that habitually trespass but elect not to remove these cows from the herds due to a preference for private profit over abiding by the terms of the AOI that require cattle to be located within the allotment. As noted in the July 11, 2016 Oak Knoll Forest Service Range Allotment field trip notes “...there are still some problem cows. The problem cows are the most productive ones, which is why permittees are reluctant to get rid of them.” The field trip notes also correctly conclude that **“permittees don’t want to cull out [problem cows] and there haven’t been consequences to them.”** (emphasis added) The EA simply ignores this information.

Continued grazing on these allotments will contribute to the significant long-term and chronic impacts to rare plants and fish and wildlife habitat, pollute drinking water for those recreating on the Siskiyou Crest (including PCT through hikers) and harm aquatic and meadow habitats in this important natural area. Grazing trespass has been occurring from cows on the East Beaver allotment for decades and the Klamath National Forest has repeatedly failed to hold permittees accountable. This is a continuous problem, with well-documented impacts over many years, yet there is no evidence that the KNF has ever taken any permit action. Moreover, the intended “fix” that is proposed in the DDN is woefully inadequate to address the chronic problem. Only a requirement for permittees or their surrogates to actively ride and monitor this allotment on a daily basis would solve the trespass issue. Instead, the FS monitoring and adaptive management program will only address the minor portion of trespass that is found while it is happening by the public or the agency and will do nothing to prevent trespass before it happens. This arrangement put the onus on the public and the agency to ensure that permit conditions are met. This is unacceptable. The object of this planning effort should be to ensure that permit conditions are met, not that complaints are received from the public and then (possibly) responded to while grazing monitoring and range management are subsidized by public money and public employees.

Despite the documented impacts of grazing on these allotments, and the well-documented illegal trespass of cows from this allotment to nearby private and federal lands, the KNF calls for continued grazing in a relatively unchanged status in which AUMs are maintained and the grazing season is unchanged while the FS will again, allegedly “monitor” grazing. This is not appreciably different from the status quo. The grazing numbers and season of use outlined in the single action alternative in the EA for the East Beaver, Hornbrook and Ash Creek Allotments are nearly identical to current management.

The allotments have repeatedly not met grazing utilization standards in the recent past. As previously recognized by the KNF “Past forage utilization monitoring indicates that Forest Plan forage utilization standard 23-15 (page 4-48) has not been met on the Cow Creek key area of the East Beaver allotment for several years.”

As acknowledged on page 18 of the EA Red Mountain, Sheep Camp Springs and Long John Creek are currently in unsatisfactory condition. Further Grouse Gap contains a wet meadow that is in unsatisfactory condition and on a downward trend in violation of the Aquatic Conservation Strategy. Yet the KNF refuses to take meaningful permit actions to address these conditions. Indeed, as disclosed on page 17 of the EA all four corals associated with the grazing permits will continue to be located within riparian reserves.

As acknowledged during the previous Oak Knoll planning effort in a September 9, 2009 KNF ID Meeting, “fish in the project area...conflicts with users of the Pacific Crest Trail, *repeated exceedance of standards*, and water quality” (emphasis added) are “BIG ISSUES” for this project (capitalization in the original).

Proposed Resolution to Objection Point #3: Acknowledge and substantively address the unwillingness and inability of the permit holders to abide by the terms of their permits and the Annual Operating Instructions.

Objection Point #4: Management Indicator and Sensitive Species

The Oak Knoll Grazing EA ignores the direction of the KNF LRMP to survey for and analyze project impacts to steelhead as a Management Indicator Species (MIS). No information about local steelhead population trends is provided by the agency.

The Klamath LRMP, Standard & Guide 8-19 (page 4-28) directs the forest to “[c]ollect information on sensitive species to assess population distribution and habitat associations.” Given this direction to “collect information ... to assess population distribution,” and given that MIS are designated “because their population changes are believed to indicate the effects of management activities,” it is very difficult to understand how MIS could fulfill their management function if the KNF does not collect information about population size, distribution, and trend.

Please note that the Wildlife BE for the project indicates that the proposed grazing and expected trespass grazing are expected to negatively impact numerous FS Sensitive Species including Foothill yellow-legged frogs, Western bumble bees, Willow flycatchers, Great Gray owls, Cascade frogs, Tehama chaparral snails, Franklin’s bumble bees, Mardon skippers, and Siskiyou short-horned grasshoppers. Yet the EA fails to take a “hard look” at impacts to any of these species and the Forest Service proposes no meaningful PDFs or BMPs to protect wildlife from the known and continuous damage caused by the grazing allotments at issue.

Why does the EA not address Gray Blue butterflies? Why does the EA not fully analyze and disclose effects of these grazing allotments on Pacific lamprey and Klamath River lamprey? The contention on page 33 of the EA that the KNF has analyzed and disclosed required wildlife data in a non-NEPA document is in error.

Proposed Resolution to Objection Point #4: Conduct a data-driven robust analysis of the impacts of grazing on wildlife species of concern that discloses population trends and project impacts as required by NEPA, NFMA and the KNF Forest Plan.

Objection Point #5: The Grazing Allotments Violate the National Forest Management Act

The NFMA requires the FS to conduct a thorough analysis of the allotment’s suitability for grazing. Grazing suitability is something completely different than grazing capability, which merely determines whether forage is accessible to cows.

In the initial EA for this project the Forest Service contended approximately 7 percent of the total allotment acres meet grazing capability criteria and only approximately one percent provides quality livestock forage (998 acres of primary rangelands). Now at page 20 of the “comment consideration” the KNF has magically backtracked and contends that it “underreported capable rangelands.” Yet page 22 of the “comment consideration” again notes the “lack of primary rangeland areas within these allotments.” The small amount of primary rangeland in the project area does not constitute a viable allotment, particularly when considering the recreational and environmental consequences of running cattle in these high elevation pastures (these are often wet meadows that are in the protected Riparian Reserve land allocation). Indeed, page 15 of the EA indicates that without extensive grazing of the botanically rich and unique high elevation meadows “the allotment would not likely be viable without use of the high elevation meadows...” However, the EA does not disclose how many acres of these high elevation meadows have streams and other water features that would designate them as riparian reserves.

It is no wonder that the cows head over to the RRSNF for forage. The primary range acres also include areas of riparian reserves, which should not be included in as range due to the need to protect these streamside areas and wet meadows. The KNF is pushing forward with its proposed alternative when it is clearly not a viable strategy considering the lack of primary range.

An analysis of the economic and environmental consequences of the alternative uses foregone must be conducted to determine if commercial livestock production is appropriate in the Oak Knoll Allotments. This analysis must collectively take into account the impacts on federally listed and Forest Service sensitive species, water quality, recreation and other public values that will undoubtedly be impacted when the agency decides to re-issue a term grazing permit for this area. This analysis must also include an analysis of the cost and benefits of range improvements, fencing and administration. NFMA requires management of national forest system lands in a manner that "maximizes long term net public benefits." This requirement is found in the Forest and Rangeland Renewable Resources Planning Act as well. This analysis was not completed in clear violation of NFMA.

The FS's planning regulations have defined the term "net public benefits" as the "overall value of positive effects (benefits) less all associated inputs and negative effects (costs)." The NFMA requires a sophisticated consideration of benefits and costs, including use of both market and non-market methods of determining existing and future resource values, methods to determine opportunity costs, and use of best available quantitative and qualitative techniques. Costs and benefits must be assessed not only from the perspective of the FS, but also from the perspective of "all other private and public" interests.

The FS must meet the substantive requirements regarding economic analysis set forth in the NFMA. Specifically, the FS must incorporate a wide range of external economic costs that will be passed on to public agencies, private landowners, business owners, and others adversely affected by proposed grazing in the area in combination with other livestock grazing ongoing and planned across the forest, Region 5, and the national forest system as a whole.

The NFMA contains specific requirements that the FS must follow in addressing actions on National Forests. One such requirement is that the FS identifies “the suitability of lands for resource management.” Among other things, this means that the FS must determine “in forest

planning the suitability and potential capability of the National Forest system lands for producing forage for grazing animals and for providing habitat for management indicator species.” Though a ‘no-grazing’ alternative is included in the EA, the benefits of that alternative to wildlife, watersheds, and non-game species are not fully analyzed and the agency fails to provide a reasonable range of action alternatives that would disclose the trade-offs associated with less grazing or a shorter grazing season. Without answering the absolutely crucial question of this land’s particular suitability for continued grazing, the KNF cannot determine the appropriateness of its actions.

In these particular allotments, livestock grazing—from strictly an economic efficiency standpoint—does not serve the broader public interest. For example, research shows that the net-income to local communities produced by allocating public forage exclusively to native game is much more valuable than forage allocated to beef cattle. This is particularly true when livestock grazing occurs in deer and elk habitat, valuable fisheries habitat, important recreational areas, riparian reserves, and Special Interest Areas with unique characteristics, which is the case for the East Beaver Allotment.

It is quite clear that the intent of the NFMA regulations is to combine environmental and economic analyses that then enable the agency to maximize net public benefit. By refusing to conduct this type of analysis for all uses of the land, the KNF fails to consider whether permitting grazing on allotment makes economic sense.

There is no evidence that the Forest Service has ever considered the relative environmental gains that could be achieved by closing the East Beaver Allotment to livestock use or reducing the number of authorized AUMs. Likewise, although National Forests include valuable botanical, recreation and fishery values, nothing in the EA shows that the KNF considered that the area might be better suited to recreation than to grazing. In addition, the analysis must consider what changes in the levels and types of recreation would result from a discontinuation of grazing in portions of the allotments, or the entire allotments.

The grazing proposed here is not compatible with sensitive, MIS and other wildlife and aquatic species and sensitive native plants. Nor is it compatible with water quality or Aquatic Conservation Strategy objectives. Finally, any determination that the Oak Knoll Range Allotments are "suitable" for grazing is a determination that is not final until the specific decision approves the use. Such use for grazing should not be approved here.

The NFMA requires management of national forest system lands in a manner that "maximizes long term net public benefits." This requirement is found in the Forest and Rangeland Renewable Resources Planning Act as well. Clearly in the case of these allotments, the maximum long-term benefit would be to remove grazing or reduce the number of cows and level of damage so that recreation, clean water, and fish, wildlife and plant habitat is protected.

Proposed Resolution to Objection Point #5: Implement the NFMA direction to maximize long term net public benefits rather than continuing to harm public land benefits and values to serve the economic desires of three ranching proponents.

Objection Point #6: Ignoring Impacts to Wildlife

The KNF failed to consider the impacts to wildlife, including displacement of elk and deer, the loss of habitat for songbirds, and impacts to wildlife dependent on riparian areas. The KNF needs a full and rigorous assessment of these impacts. It has already stated in the Beaver Creek Watershed Analysis that, “[p]otential conflict exists between livestock grazing and many wildlife species that depend upon riparian shrubs and meadows...Desired condition: Livestock distribution and grazing levels minimize impacts to sensitive species in meadow areas, and aquatic and riparian habitats.” It is arbitrary and capricious to now ignore those impacts described in this very area or somehow say that they no longer exist despite continuing the same grazing practices that brought about these impacts.

Large stands of willows in the wet meadows and riparian areas which are utilized by grazing cattle in these allotments provide important habitat within the Klamath National Forest for Willow flycatcher. The Willow flycatcher is a Region 5 Forest Service “sensitive species.” As such it is subject to the sensitive species monitoring requirements of the KNF LRMP. In this regard the LRMP states:

Monitoring for the type, number, size and condition of special habitats over time will provide a good indication of the potential health of special habitat-dependent species. Although all special habitat areas do not support rare species, there is overwhelming evidence that special habitat types are closely related to the continued existence of certain rare species.

The KNF LRMP’s specific monitoring requirements for Willow flycatcher are:

Willow fly-catcher and great grey owl	Determine occupancy of suitable habitat.	Ground-breeding surveys	Annually	Annually	Regional Protocols	Greater than 20% decline in detected presence or occupancy.
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There is no indication that any “breeding ground surveys” have been conducted during the past five years. We are unaware of any plan changes that absolved the FS of the responsibility for doing these surveys. The EA failed to fully address Willow flycatcher monitoring requirements and explain why the required surveys have not been completed. In the absence of the surveys, the FS must use research, which is available.

Continued grazing in the habitats for Region 5 sensitive species foothill Yellow-Legged and Cascade Frogs could lead to a loss of individuals. Along with the impacts to the willow flycatcher, this is particularly troubling. These species are associated with riparian reserves (the cumulative effects analysis relies on riparian reserves to downplay the potential impacts). But it is also known and documented in the EA that cows disproportionately use riparian reserves, thus elevating the potential impacts to these species.

The KNF cannot relying on some future monitoring scheme to mitigate the impacts of grazing. Mitigation or planed restoration is not a substitute for habitat degradation. See NWFP. The KNF

is required to determine the effects of the timber sale on MIS through the analyses put forward in the EA and the Wildlife Biological Assessment/Biological Evaluation.

The findings of the EA and Wildlife BA/BE must provide the decisionmaker and the public with enough information to conclusively know that the project will have no significant effect on threatened, sensitive and management indicator wildlife species.

The Klamath Land Resource Management Plan requires that “Project areas should be surveyed for the presence of sensitive species before project implementation.” ROD Standards and Guidelines at 6-8; LRMP at 4-23. “If surveys cannot be conducted, project areas should be assessed for the presence and conditions of sensitive species habitat . . .” ROD Standards and Guidelines at 6-8.

It appears that there were no surveys conducted for Forest Service Sensitive or MIS species. Population numbers and trends have not been analyzed by the agency. This is troubling.

The Forest Service must constantly monitor the Klamath National Forest Land and Resource Management Plan’s (LRMP) impact, including the impact of specific management actions, so that compliance with the Forest Plan is achieved and any needed revisions are ascertained. Inland Empire Public Lands Council v. United States Forest Service, 88 F.3d 754, 760 n.6 (9th Cir. 1996).

There is no available data for numerous MIS in the project area, and that the Forest Service lacks the necessary underlying information for use of a habitat analysis in lieu of actual population studies. See Earth Island Institute et al., v. Department of Agriculture, Eastern District of California, page 21.

The agency did not provide any analysis or data on current populations of MIS to support its conclusion that the viability of these species is not likely to be threatened by the continued grazing at these allotments.

Lastly, the FS may wish to re-familiarize itself with the holding in KS Wild v. USFS, Eastern District of California 2004, (which is binding precedent for this project) in which the federal district court held that the Klamath National Forest violated its LRMP, and NFMA, by failing to monitor and survey for MIS species in the Beaver old-growth timber sale.

In fact (as recognized by the court in KS Wild v. USFS) the KLRMP (at 5-3) clearly states that “[P]opulation trends of the management indicator species will be monitored and relationships to habitat changes determined.” It simply doesn’t get much clearer than that. Hence the court in KS Wild v. USFS ruled that “MIS may be appreciably affected, use of habitat as a proxy for population surveys was arbitrary and capricious.”

Please further note that while page 57 of the EA acknowledges the presence Klamath River and Pacific lamprey, steelhead and chinook, the KNF makes no actual attempt to quantify, analyze or disclose potential impacts to these species.

Proposed Resolution to Objection Point #6: Conduct NEPA analysis for wildlife impacts that includes actual data.

Objection Point #7: Aquatic Conservation Strategy

The Forest and Rangeland Renewable Resources Planning Act, 16 U.S.C. § 1600 *et seq.* as amended by the National Forest Management Act (NFMA), requires grazing permits to be consistent with the KNF's LRMP. 16 U.S.C. § 1604(i), 36 CFR § 210. The KNF's LRMP includes an Aquatic Conservation Strategy (ACS) developed to protect the ecological health of watersheds on public lands. The ACS requires the KNF to manage "riparian-dependent resources to maintain the existing condition or implement actions to restore conditions." NWFP ROD at B-10. Specifically, the KNF must maintain and restore the "physical integrity of the aquatic system," the "sediment regime under which aquatic ecosystems evolved," and the "species composition and structural diversity of plant communities in riparian areas and wetlands." *Id.* at B-11. Furthermore, the "timing, magnitude, duration, and spatial distribution of peak, high, and low flows must be protected." *Id.* The KNF LRMP clearly states that grazing practices should be curtailed when they conflict with ACS objectives, which set a bar of doing no harm.

The Northwest Forest Plan defines riparian reserves as portions of watersheds where riparian dependent resources are emphasized and where "special standards and guidelines apply." NFP at B-12. While the EA is replete with references to cattle barely ever using waterways, the truth is this is exactly where cows congregate. The Klamath National Forest did recognize this in the DEIS for the Mount Ashland LSR project, however. In that DEIS (at 3-125) the same Forest states that, "Cattle congregate...between springs, meadows, and streamside riparian areas which may cause localized seasonal removal of riparian and meadow vegetative cover and localized trampling of stream channels. This may lead to short term, localized impacts to water quality in limited areas adjacent to streams."

There is no real question that the ongoing significant grazing is negatively impacting virtually all of the watersheds in the project area. KNF planners nevertheless contend that harming water quality, streambank stability, listed Coho, riparian vegetation while increasing sediment production helps achieve the objectives of the Aquatic Conservation Strategy.

Please note that the EA establishes that the KNF will need a Category B Waiver due to water quality impacts (in violation of the CWA and the ACS) from the proposed action. That waiver will require implementation of BMPs that have repeatedly proven ineffective to protect the aquatic resources of the project area.

The EA indicates that the KNF intends to utilize 4 corrals that are located within riparian reserves in violation of the ACS. Additionally, the Hungry Creek Corral is physically adjacent to occupied Coho habitat.

As acknowledged in the EA a number of foreseeable livestock actions "may retard or prevent maintenance or attainment of ACS objectives." These include, but are not limited to, the trampling and eroding of streambanks, harming the physical integrity of channels, reduction of riparian vegetation, harm to bank stability, and cattle trails across and through riparian features.

It is incontrovertible that these impacts have occurred, are occurring, and will continue to occur under the KNF's preferred grazing alternative.

The EA indicates that the KNF is aware that its grazing activities result in "browse and some trampling of streambanks or springs." The agency is mistaken in its contention that such impacts are "short term and not last more than one year." In fact, damage to streambanks is long-term and lasts significantly more than a year. Additionally, the acknowledged aquatic impact occur every single year. Hence the impacts are long term because they have occurred continuously for decades and will continue into the foreseeable future. While the agency at least acknowledges the impacts of grazing on springs and streambanks within the allotments, it largely ignores the repeated and significant impacts of trespass grazing on the aquatic resources of the adjacent RRSNF. Yet the aquatic impacts to Upper Glade Creek from KNF cows are well established, longstanding and significant.

As in the EA "cattle trails leading down to the stream channels in Cow Creek, Grouse Creek and Beaver Creek may affect fish habitat due to sediment input into the stream channel during storm events." This represents a direct violation of the Basin Plan, the CWA, the ACS and the ESA.

Furthermore, as the adjacent Medford BLM also recognized about grazing in the Conde Creek Rangeland Assessment (about 20 air miles from these allotments) grazing in riparian areas is not consistent with aquatic conservation:

Riparian grazing negatively effects aquatic species and their habitat by compromising the physical integrity of stream banks, increasing fine sediment, removing vegetation, and in some cases by trampling the organisms. Degraded streambanks and associated trampling increase compaction, width/depth ratios, and sedimentation all of which negatively influence habitat. Increases in fine sediment occur where cows have direct access to streams and this sediment is transmitted downstream during fall rains. Livestock use, especially in wet areas, change flow patterns in these naturally sensitive sites. Grazed riparian vegetation allows higher levels of solar radiation to reach water surface in seeps/springs/streams resulting in increased water temperatures. Late season grazing does not allow for plant regrowth before fall and winter rains when vegetation acts a sediment trap and bank stabilizer. -Conde Creek Rangeland Health Assessment at 30.

An adequate assessment of the allotments in the planning area by the KNF would describe these impacts on a site-specific basis. The Mt. Ashland LSR Assessment (RO-248) contains a number of findings indicating that the ecological health of the LSR and the Beaver Creek watershed is a problem.

Page 6 of the LSR Assessment (LSRA) indicates:

*The LSR is comprised of **highly unstable granitic and schist soils subject to high rates of erosion and landslides.** Where extensive road development and timber harvesting has occurred, sediment production has been accelerated. **Aquatic systems in many areas of the LSR were identified through Watershed Analysis to have been impacted by timber harvesting and road building, resulting in degraded riparian zones, increased sediment***

produced to stream channels, and simplified aquatic habitat. There is a concern for riparian dependent late-successional species in these areas. Sedimentation and habitat simplification are identified as the main limiting factors for salmonid reproduction in the Beaver and Bear Creek Watersheds. (Emphasis in the original.)

The KNF must conduct a full assessment of the impacts of grazing to riparian areas in the allotment area. The KNF did recognize in the DEIS for the Mount Ashland LSR project that these allotments are negatively impacting springs, meadows and streams. In that DEIS (at 3-125) the KNF states:

Cattle congregate...between springs, meadows, and streamside riparian areas which may cause localized seasonal removal of riparian and meadow vegetative cover and localized trampling of stream channels. This may lead to short term, localized impacts to water quality in limited areas adjacent to streams.

These same impacts are well documented in the scientific literature, and throughout the allotment to even the most casual observer. The FS must maintain and restore aquatic ecosystems, not degrade them. Grazing these allotments would surely degrade aquatic ecosystems. The Northwest Forest Plan states the need to keep cows out of riparian areas:

GM-1. Adjust grazing practices to eliminate impacts that retard or prevent attainment of Aquatic Conservation Strategy objectives. If adjusting practices is not effective, eliminate grazing.

GM-2. 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.

Cows are degrading the aquatic ecosystems on the allotments. Some of the riparian areas in the (streams and wetlands) within these allotments are in unsatisfactory condition due to the impacts of livestock grazing. Grazing has impaired stream banks and vegetation near streams, which has increased water temperatures and causes erosion. The courts have rejected the notion that short-term impacts are insignificant, particularly in watersheds where fish species are at risk of extinction, such as those watersheds in these allotments.

Grazing within riparian areas damages the physical structure of the water bodies of the allotments. Stream banks are damaged within the allotments due to grazing damage. Damaged banks result in increased erosion and increased sediment inputs to streams. Within these allotments, stream habitat has been degraded by sediment added from livestock trampling. An increase in sediment input will continue as damaged banks continue to erode even in the absence of future grazing. Appropriate management practices may diminish the rate of sediment input, but maintenance and restoration of the sediment regime requires the aquatic ecosystems within both allotments to be protected from grazing.

Cattle in riparian areas trample and consume aquatic and terrestrial plant species. Consumption and trampling result in the reduction of plant species that are intolerant of cattle-induced disturbance and an increase in the populations of plant species that are tolerant of the

disturbance. These impacts make it unreasonable to assume that the Forest Service is adhering to ACS Objective 8. To remind you, it states the Forest Service must:

Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.

Adjusting grazing management practices may reduce adverse impacts, but maintenance or restoration of species composition and structural diversity of riparian plant communities requires that riparian vegetation be protected from grazing.

Meadows within the allotments have been changed substantially as a result of years of livestock grazing. The ability of meadows to absorb water has decreased as a result of soil compaction by livestock. The inability of meadows to absorb rainfall and snowmelt has led to higher peak flows to streams and wetlands.

Adjusting management practices on the allotment may reduce the rate at which livestock detrimentally impact flow characteristics, but protection of natural stream flow characteristics requires that meadows be protected from grazing.

Livestock grazing has substantially and detrimentally impacted the health of aquatic resources within the allotments. Continuing to allow grazing will neither maintain the current conditions nor restore conditions of the aquatic resources within the allotment. Therefore, compliance with the ACS requires that livestock be excluded from all meadows and riparian areas within the allotment to eliminate future injury and to heal from past injuries.

The FS must address research by Derlet, et. al, documenting the impacts of grazing on water quality. The abstract is pasted below:

“Reducing the impact of summer cattle grazing on water quality in the Sierra Nevada Mountains of California: a proposal by Robert W. Derlet, Charles R. Goldman and Michael J. Connon”

The Sierra Nevada Mountain range serves as an important source of drinking water for the State of California. However, summer cattle grazing on federal lands affects the overall water quality yield from this essential watershed as cattle manure is washed into the lakes and streams or directly deposited into these bodies of water. This organic pollution introduces harmful microorganisms and also provides nutrients such as nitrogen and phosphorus which increase algae growth causing eutrophication of otherwise naturally oligotrophic mountain lakes and streams. Disinfection and filtration of this water by municipal water districts after it flows downstream will become increasingly costly. This will be compounded by increasing surface water temperatures and the potential for toxins release by cyanobacteria blooms. With increasing demands for clean water for a state population approaching 40 million, steps need to be implemented to mitigate the impact of cattle on the Sierra Nevada watershed. Compared to lower elevations, high elevation grazing has the greatest impact on the watershed

because of fragile unforgiving ecosystems. The societal costs from non-point pollution exceed the benefit achieved through grazing of relatively few cattle at the higher elevations. We propose limiting summer cattle grazing on public lands to lower elevations, with a final goal of allowing summer grazing on public lands only below 1,500m elevation in the Central and Northern Sierra and 2,000m elevation in the Southern Sierra.

Not only would this research change the effects analysis related to waters quality, it should change the economic analysis that the KNF used to determine the suitability of these allotments.

As indicated on page 18 of the EA, Red Mountain, Sheep Camp Springs, Long John Creek and a wet meadow at Grouse Gap are not in “satisfactory” condition.

Nevertheless, the KNF refuses to even include ACS compliance as an issue worthy of analysis in the EA. Instead the ACS “analysis” is limited to less than two pages in Appendix D. That page and a half of “analysis” reveals that:

- The KNF believes that riparian conditions are improving even though areas such as the Grouse Gap wet meadow are on a downward trend.
- The KNF is committed to locating corrals in riparian reserves despite hydrological connection to creeks, close connection to creeks and poor buffer conditions.
- Acknowledged cattle trails along and across streambanks will result from continued grazing.
- Hardening of riparian features would be required to mitigate projected sediment increases from livestock use.

Proposed Resolution to Objection Point #7: Implement the Aquatic Conservation Strategy by precluding, rather than facilitating, grazing practices that continue to directly harm aquatic resources.

Objection Point #8: The Allotments Violate the Endangered Species Act

Without any data or rigorous analysis, the EA concludes that very little impacts occur to fish species from grazing. In fact, these allotments pose a significant threat to the integrity of salmonid habitats. The SONC Coho Salmon are listed as threatened under the ESA. On uplands, grazing compacts soils and the vegetative composition is changed through a grazing regime, increasing runoff and erosion. Closer to the stream, streambank vegetation and stability decline when livestock concentrate near water. The combination of upland erosion, loss of riparian canopies, and breakdown of streambanks lowers local water tables and causes streams to become wider but more shallow, warmer in summer but colder in winter, and poorer in instream structure

but richer in nutrients and bacterial populations. All these effects can adversely influence salmonid populations. Yet, none of these impacts were adequately analyzed in the EA.

Please note that a June 6, 2017 Forest Service email (4:49:50 PM) indicates that “the BA and LOC for the East Beaver allotment...was predicated on the assumption that cattle would be herded and kept away from CH in Beaver Cr and WE Beaver Cr.” This assumption is baseless.

Additionally, please note that a July 16, 2017 letter from Felice Pace to District Ranger Jeff Marszal in the Administrative Record documents photos of cattle impacts to Coho critical habitat in May and June of 2017 in Beaver Creek. These impacts are not reflected or analyzed in the EA.

Proposed Resolution to Objection Point #8: Acknowledge and address the impacts of cattle associated with these allotments on Coho critical habitat in the Beaver Creek watershed.

Objection Point #9: The Allotments Violate the Clean Water Act

The Forest Service is required to abide by the Clean Water Act and ensure that it is not allowing the pollution of water bodies. The Klamath River and its tributaries have been listed as water quality impaired under the Clean Water Act [303(d)] (listed for nutrients, dissolved oxygen, temperature, and microcystin) and project area streams contain ESA-listed species and CH and Forest Service Sensitive species (Coho salmon, Chinook salmon, and steelhead trout). Beaver Creek is impaired and the and subject to a TMDL and CWA Waiver of Waste Discharge Requirements. The KNF is required to comply with the Basin Plan – including the Klamath TMDL and Waiver of Waste Discharge Requirements.

According to the KNF “Cattle congregate...between springs, meadows, and streamside riparian areas which may cause localized seasonal removal of riparian and meadow vegetative cover and localized trampling of stream channels.” (Mount Ashland LSR DEIS.) How does reauthorization of grazing help the forest abide by the TMDL? The waiver discusses the reauthorization of grazing and requires maintenance of “The shade provided by topography and full potential vegetation conditions at a site, with allowance for natural disturbances such as floods, wind throw, disease, landslides and fire.” Certainly, with the reauthorization of grazing and without any attempt to keep cattle from riparian areas, these impacts will continue and violate the Klamath TMDL and Waiver of Waste Discharge Requirements.

There are already severe cumulative impacts in the Beaver Creek watershed.

“Dominant long-term erosion processes in the Beaver Creek watershed are downstream cutting and landsliding in steep areas. In areas covered by granitic soils, stream scour and surface erosion are the primary erosion processes. Grazing historically had major impacts on erosion rates but with reduced stocking rates as occur today (see discussion on historical stocking rates in Range Specialist Report), grazing has minor erosion impacts. Timber harvest and roads are the leading causes of erosion in the Beaver Creek watershed.”

As stated in the January 27, 2016 6:25 KNF email from Laurie Gregory of the KNF:

The EPA listed Beaver Creek and four tributaries in the project area on the 2012 303(d) list of impaired water bodies. The new listings mean that state water quality standards for sediment are not being met in Beaver Creek, Cow Creek, Deer Creek, Hungry Creek and West Fork Beaver Creek.

If there are already severe impacts, grazing is sure to add to those impacts where cattle congregate near streams and wetlands. When past and anticipated future impacts result in unacceptable watershed impacts, the FS may not add additional impacts **even if/when these additional impacts are “minimal.”** The proposal to authorize grazing in Beaver Creek Watershed therefore violates the federal and state CWA anti-degradation policies, the “no further degradation” policy of the Basin Plan and the Klamath TMDL and Clean-Up Plan.

Proposed Resolution to Objection Point #9: Implement the CWA by prohibiting cattle grazing that is contributing to water quality problems at Beaver Creek, Cow Creek, Deer Creek, Hungry Creek and West Fork Beaver Creek.

Objection Point #10: Cumulative Effects were Ignored

The impact of updating the Oak Knoll Range is significant if “it is reasonable to anticipate a cumulatively significant impact on the environment.” Cumulative impact is the incremental impact of updating these AMPs added to the impact of “other past, present, and reasonably foreseeable actions.” Cumulative impact analyses must have data to support their conclusions. See Klamath-Siskiyou Wildlands Center v. BLM (9th Circuit 2004).

As acknowledged by the KNF, grazing has heavily impacted these allotments. By the Forest Service’s own models and parameters, the impacts of the Oak Knoll Range EA are significant when added to the impacts of past, present and future grazing, logging and road construction activities in and around the allotments. The KNF must prepare an EIS for the Oak Knoll Range because of the cumulatively significant impacts on the human environment. Native plant communities are severely degraded by the spread of non-native species. Non-native plant species alter ecosystems by “increasing fire frequency, reducing wildlife habitat, disrupting nutrient cycling and hydrology, increasing topsoil loss, and altering soil microclimate.” Livestock increase the ability of non-native plants to invade native plant communities by disturbing vegetation and soils. Livestock transport non-native seeds in their hair, digestive tracts and in the mud on their feet.

Please note that according to a KNF Forest Service email of January 27, 2016:

“The 2014 Beaver Fire burned several miles of riparian reserves in Beaver Creek. Riparian reserves that burned at high-severity may be more sensitive to grazing than the unburned conditions that were assessed in the [previous] EA. Bare soils along stream banks would be more susceptible to bank trampling, streambank erosion, and delayed recover of riparian vegetation and stream shade.”

Additionally, a 11:37 AM email from KNF employee Bobbie email on January 20, 2016 recognizes that there are:

[c]hanged conditions on the KNF side- [and the NEPA document should contain a] Discussion of effects of Beaver Fire and recent debris flow events on vegetation and grazing patterns.

As noted in the July 12, 2016 Oak Knoll Forest Service Range Allotment field trip notes there is “[l]ots of human disturbance (jeeps, trucks, cycles)” in the Siskiyou Crest meadows impacted by trespass grazing.

Please further note that a 2016 hand-written Forest Service notes in the “East Beaver Administrative Record” indicate that the East Beaver permittee is not in fact required by the agency to remove cows on the KNF that are outside of their allotment unless they trespass into the RRSNF. The cumulative impacts of allowing the permittee to graze on the KNF in lands outside of allotment (such as Grouse Creek) is not analyzed or disclosed in the EA. Additionally, the 2017 East Beaver Administrative Record indicates that when the permittee offered to remove 16 cattle that were habituated to grazing at Grouse Gap, the KNF Rangeland Management Specialist encouraged him to retain the cattle on the allotment and not remove them.

The consistent and longstanding overutilization of range in Cow Creek is neither acknowledged nor substantively addressed in the EA.

Significant cumulative impacts such as those described above are not fully analyzed or disclosed in the EA and necessitate completion of an EIS.

Proposed Resolution to Objection Point #10: Complete an EIS for the Oak Knoll grazing allotments that addresses the significant cumulative effects impacting resources of concern in the project area.

Objection Point #11: The Project Involves Significant Impacts Necessitating an EIS

The significant cumulative, direct and long-term impacts of the Oak Knoll grazing allotments necessitate completion of an EIS. The Forest Service is proposing to authorize significant grazing activities in an ecological critical area with remarkable botanical values while knowing that the proposed grazing will aquatic resources and looking the other way to decades of trespass and AOI violations.

Significant Adverse Impacts

The project will harm key botanical resources, meadows and riparian areas. The grazing conflicts with recreational use of the Siskiyou Crest. The grazing involves longstanding and unabated trespass. An EIS must be prepared for this project.

Public Health

The KNF is correct that PCT hikers (and others) rely upon springs, seeps and creeks along the Siskiyou Crest as sources of drinking water. While the KNF elects to downplay this use by casting in terms of a hypothetical in which people “could choose to use, undeveloped, available water sources,” in fact the use of these water sources is a known certain requirement of

thousands of PCT through-hikers every year. There is no other way for through-hikers to obtain water other than by utilizing undeveloped sources at which cattle are known to congregate. The use of water filters is somewhat effective at reducing the risk of e-coli, but they are not 100% effective. Further, the agency simply ignores the controversial nature of its preference to manage riparian resources for the benefit of a handful of ranchers while ignoring the desires and preferences of the vast majority of public land users.

Unique Characteristics

The KNF is correct that the planning area contains several world-class unique characteristics that may be significantly harmed by the continued permitted and trespass grazing. These unique characteristics include the Pacific Crest Trail, the Klamath River and its tributaries, the Siskiyou Crest Mountain Range, Special Interest Areas, Inventoried Roadless Areas, unique botanical resources, Coho salmon habitat, and scenic resources.

Controversy

The grazing allotments at-issue are some of the most controversial on the West Coast and were a large part of the impetus for a Siskiyou Crest National Monument campaign that may be revisited if the agency continues to value cattle over all other public land values. The scientific controversy regarding these allotments is well established through years of correspondence from the public and the RRSNF to the KNF. The KNF is aware of the conflict between recreation, PCT hikers, world-class botanical values, aquatic health, Coho survival and the Oak Knoll grazing allotments, yet the agency refuses to acknowledge or protect the many other multiple-uses that are harmed and precluded by its singular focus on grazing these public lands regardless of the ecological and social impacts.

The Administrative Record for the Oak Knoll Project and East Beaver Allotment contains numerous letters, emails and correspondence the Forest Service has received documenting the significant impacts the allotments are having on meadows, birding and recreation. None of these concerns or issues were fully addressed in the EA. A July 7, 2017 letter from Frank Lospalluto to the Forest Service states in part of grazing occurring in the Grouse Gap area that:

[t]he wet meadows up there are a bit behind in their normal growth and flowering stages because of the winter and spring we had. As a consequence many of the breeding songbirds are also a bit later than usual. I have some real concerns about a species like the Lincoln Sparrow who nest in the wet vegetation on or close the ground...It is just way too early for cows to be up in this area. I write this as an avid birder and as a professional field biologist who has been working with songbirds for the last few decades.

I will also note that these meadows provide easy access to many tourists and locals who come up to view the beautiful flower display. Our area does depend on tourism and its natural beauty is an integral part of that appeal. The trampling of the meadow is of concern to native plant lovers and bird enthusiasts.

The EA address none of these concerns and rather than attempting to reduce the controversy concerning the allotments and the repeated trespass the KNF grazing staff simply dismiss those

who submit such concerns as “anti-livestock.” In fact the concerns involve the significant and longstanding controversy associated with the agency’s insistence on valuing grazing over the recreational, botanical, and biological values that many people find in their public lands.

As stated in a July 8, 2017 letter from Barba Massey to the KNF:

The wet meadows along Route 20 near the top of Mt. Ashland (from the campground to Grouse Gap) are a unique natural resource in this area for both plants and birds. I am a retired Ornithologist who has lived in Ashland for 18 years and wrote a book about Rogue Valley Birds. I’ve found the bird use of these meadows is like no other habitat in the region. In addition to the uncommon fresh-water montane plants on the hillsides, a complex community of Lazuli Buntings, Green-tailed Towhees, Lincoln’s Sparrows and Fox Sparrows have nested there annually since I first saw them in the spring of 1999.

Last year and this, cattle have been rampant throughout the area during spring and summer, and they are a serious hazard to the integrity of this delicate habitat. They trample the plants, defecate everywhere and defile the clean water of the streams that wander down the hillside. Why is grazing allowed here? Cattle do nothing but damage to an extremely valuable plant and wildlife area that is also rare in our mountains.

Apparently the problems from the trespass cattle documented above (on July 8, 2017) remained unaddressed on July 12th despite an inaccurate email response from KNF Rangeland Management Specialist Daniel Henklein contending that “the permittee has been very responsive about moving the cattle to lower elevations in a timely manner.” A July 13, 2017 email from Frank Lospalluto to Mr. Henklein documents that:

I was up at Mt Ashland yesterday July 12 and...[n]ear Grouse Gap just below the PCT in the meadow near the willows I observed 16 cows (that includes calves). They were grazing in the meadow...I still however find it unacceptable that the cows are up in the wet meadow area where there are still nesting neotropical migrant birds and the flowering plants are just coming into peak flowering.

As stated in a November 23, 2015 correspondence to Mr. Henklein from Larry Marshik:

...preventing cows from using or accessing this general area of the headwaters of Grouse Creek would not materially impact grazing supplies. But ensuring that cattle are excluded from this area would substantially help maintain the recreation values, natural landscape and botanical diversity. Such exclusion would also likely minimize surface soil erosion and the incursion of non-native grasses and forbs.

The KNF loses credibility when it is unwilling to acknowledge the legitimate controversy associated with the significant impacts of its grazing program on the vast majority of forest visitors.

Uncertainty

One cannot know how the Forest Service will administer the Oak Knoll grazing allotments because the agency does not know how it will administer the allotments. Rather than disclose

and analyze a management plan or strategy, the EA relies upon “adaptive management” in which the subjective whims of KNF staff determine when and how grazing management occurs. The KNF refuses to disclose such basic information as the on-off dates or the exact number of AUMs to be authorized. Hence analysis of the impacts of the agency’s grazing proposal is impossible. Further, the EA significantly under-reports the amount of trespass that has occurred for decades. The contention on page 33 of the EA that some years there is “no drift at all” is simply false. The description of trespass as “incidental” is inaccurate and misleading. The trespass is regular, routine, and has occurred for decades. The KNF has no idea how much trespass is occurring because “attempts to locate and identify drift cattle are dependent on how frequently KNF permittees and range staff are out on the allotments.” As stated in the May 4, 2010 KNF Memo:

“We need to be careful with how to include the Rogue and the drift issue. We know it’s occurring, but we need to be careful with what we say -perhaps say something like ‘we know there is drift, but there is no confirmation of any environmental impacts attributable to drift.’ Perhaps there are some effects, but they are probably not necessarily long-term nor degrading...”

Precedent

The Oak Knoll Grazing EA establishes the significant and unfortunate precedent that decades of trespass and unwillingness or inability to implement AOIs will be rewarded and by continued grazing at current levels by the enabling agency. The Oak Knoll Grazing EA also establishes the precedent that the requests, statements and concerns of the public and the adjacent RRSNF should be subservient the desires of a handful of individuals who financially profit from public lands grazing.

Significant Cumulative Impacts

The Administrative Record is replete with acknowledgements of the ongoing and severe cumulative impacts from largely unregulated Off-Road Vehicle damage to the meadows and aquatic features that attract the cows in this project area.

Significant Cultural and Historic Resources

The Forest Service intends to authorize and encourage grazing at three archeological sites “located within moderate [cattle] use areas,” and four sites “located within high use areas...considered at-risk of potential adverse effects as a result of permitted grazing activities.” The proposal to knowingly place these resources at risk must be documented in an EIS. Additionally, the KNF proposal is a direct violation of the National Historic Preservation Act. Please note that the PDFs to mitigate damage to these locations would only be implemented after “degrading damage has occurred.”

The KNF identified 16 historic properties (or “sites”) that may be eligible for inclusion in the National Register of Historic Places and which may be affected by the proposed grazing. (EA page 53.) Following this determination, the Forest Service was required to follow the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108 (formerly codified at 16 U.S.C. § 470f); implementing regulations in 36 C.F.R. § 800. Upon reviewing existing information on documented or potential historic properties, the Forest Service was

obligated to begin the consultation process with the State Historic Preservation Officers (SHPOs) and to seek information from other necessary consulting parties, including local governments and Indian tribes, and potential consulting parties, including “individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area.” 36 C.F.R. § 800.4(a). (Per § 800.3(c)(2), the SHPOs may agree that one of them will participate as a lead SHPO.) The purpose of the Section 106 process is not only to notify interested parties, particularly tribes whose cultural resources may be affected by the undertaking and state officials who have an obligation to oversee historic resources in the state, but to give these parties the opportunity to collaborate with the agency on project planning as early as possible. 36 C.F.R. § 800.1. The consultation process is designed to enable the agency and consulting parties to “avoid, minimize or mitigate any adverse effects on historic properties.” *Id.*

The EA does not disclose whether the Forest Service has collaborated appropriately with the SHPOs in the Section 106 process. The EA suggests that the Forest Service has not involved the necessary parties in the process as early as NHPA requires.

Furthermore, NHPA requires that the Forest Service develop project “alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties” *with* consulting parties, not alone, “and describe [those alternatives and measures] in the EA or DEIS.” 36 C.F.R. § 800.8(c)(1)(v). Instead, the EA suggests that the Forest Service has unilaterally eliminated all alternatives other than its proposed action from consideration, and does not indicate that tribes, local governments, or the SHPOs were consulted in the development of additional alternatives. (EA pages 15-16.) The EA does not include measures that might avoid adverse effects to the 16 historic properties identified thus far, only suggests some measures to mitigate harm in the 4 sites within “high use areas” where *already* “at least some effects have occurred due to grazing use.” (EA page 53.) Beyond “adaptive management tools . . . to discourage grazing . . . , including water site development . . . and strategic salt block placement [.]” the EA states the Forest Service plans to go no further than to “consider[.]” fencing to protect the historic properties. *Id.* The dearth of appropriate alternatives and measures belies a lack of involvement of SHPOs and other consulting parties. It is not for the Forest Service to say alone that effects already observed from past grazing are not adverse, but rather to assess “*in consultation with* the SHPO[s] and any Indian tribe . . . that attaches religious and cultural significance to identified historic properties” what adverse effects *may* occur if the Oak Knoll range project proceeds: “an adverse effect is found” when the undertaking “*may* alter, directly or indirectly, any of the characteristics of a historic property . . . that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.” 36 C.F.R. § 800.5(a)-(a)(1) (emphasis added). “Adverse effects may include *reasonably foreseeable* effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.” *Id.* (emphasis added).

Again, the process of assessing adverse effects should have preceded issuing the EA. *See* 36 C.F.R. § 800.8(c)(1)(iii). More than “baseline condition data” on the historic properties should be documented and included in the EA. *Id.* Particularly where “the threat to historic sites is posed by *existing* authorized uses,” a plan to monitor or survey the sites in greater detail in the future cannot “substitute for a more intensive survey now.” *See Montana Wilderness Ass’n v. Connell*, 725, F.3d 988, 1009 (9th Cir. 2013).

Where an adverse effect is found through the above-described consultation process, NHPA requires that the agency “shall consult with the SHPO . . . and other consulting parties, including Indian tribes . . . , to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties.” 36 C.F.R. § 800.6(a). The agency is further required by § 800.8 to “bind itself to these measures [to ‘avoid, minimize, or mitigate’ adverse effects] in a record of decision.” Mid States Coalition for Progress v. Surface Transp. Bd., 345 F.3d 520, 554 (8th Cir. 2003). Promising to develop mitigation strategies later, if and when the resources are available or the agency decides to conduct site monitoring, is not sufficient to comply with the NHPA.

Unknown Effectiveness of Mitigation Measures

The EA contains a generic list of mitigation measures but fails to analyze or disclose their effectiveness (which is a NEPA requirement as per Nat’l Parks & Conservation Ass’n v. Babbitt, 241 F.3d 722, 732-33 (9th Cir. 2001)) Many of the supposed mitigation measures would only apply after damage has already occurred from authorized grazing activities. Further, the agency fails to disclose a basis for why it believes that mitigation measures that have failed to stem undesirable grazing impacts for decades would now be effective.

Proposed Resolution to Objection Point #11: Complete an EIS that documents and addresses the significant impacts associated with the cattle grazing allotments.

Objection Point #12: High Risk of Spreading Noxious Weeds

As acknowledged on page 40 of the EA “cattle grazing may contribute to the spread of noxious weeds by creating by creating disturbed areas where weed species can become established and/or by spreading noxious weed seeds to new areas.” The KNF is correct that EO 13112 and EO 13751 prohibit this result from Forest Service approved actions. Additionally, the proposed spread of noxious weeds through authorized grazing runs afoul of NFMA and KNF LRMP.

Please note that the agency’s reliance upon adaptive management has proven ineffective at halting grazing-related noxious weed spread in the project area and that the EA contains no data, analysis or site-specific information regarding noxious weeds and cattle grazing.

A March 17, 2016 email from KNF employee Stephanie McMorris (1:35 PM) indicates that the KNF is aware of a houndstongue infestation in one of the East Beaver corrals. Yet this information is not included or addressed in the EA. As noted in the July 11, 2016 Oak Knoll Forest Service Range Allotment field trip notes but not in the EA:

Main concern for botany: there’s a high priority invasive species (houndstongue, especially) and Dyer’s Woad coming over the ridge now. We have an infestation of houndstongue in Stirling corral (totally on the KNF side);

Page 40 of the EA acknowledges that “Overall there is a high risk of weed spread within the analysis area as a result of drift.” Further, “the drift area is characterized primarily by open,

meadow habitats that are more vulnerable to invasion.” Even under the agency’s best case scenario when implementing adaptive management “the risk remains high.”

If the KNF wishes to facilitate actions that it knows present a “high risk” of noxious weed spread in one of the most botanically important mountain ranges in the world, then the agency must document that intention in an Environmental Impact Statement that discloses the significant ramifications of such a decision.

Proposed Resolution to Objection Point #12: Implement EO 13112 and EO 13751 and prohibit grazing activities that are projected to contribute the spread of noxious weeds.

Objection Point #13: Significant Impacts to Neighboring Private Property

As established by the L&M Timber Company Appeal of January 2011, the Forest Service has not worked with local landowners to manage grazing in the Oak Knoll Allotments as required by 36 CFR 222.2. Indeed, it appears to be the KNF’s position that cows from the Oak Knoll allotments should be allowed to trespass on both private property and onto the RRSNF with impunity. The KNF’s reliance upon “open range” as a shield against meaningful range management and as a surrogate for NEPA analysis is misplaced.

As established in the 2011 L&M appeal, the Ash Creek grazing allotment:

1. Involves a “taking” of 130 acres of private property without compensation;
2. Is not suitable for grazing due to steep topography, limited forage, limited water and domestic water concerns;
3. Results in significant negative impacts to private property, the Ash Creek Watershed and deer populations;
4. Is unsupported by meaningful data or analysis;
5. Negatively impacts hydrologic, aquatic and domestic watershed values.

Please also note that a KNF Forest Service email of March 15, 2016 (11:01AM) indicates that “a landowner expressed concern about vegetation and riparian impacts to private land located on Sterling Mountain, T48N, R9W...” This information is not reflected or analyzed in the EA.

A February 19, 2020 letter to the KNF from neighboring landowner John McDonagh details the significant impacts of unregulated cattle grazing on the aquatic and terrestrial values of both private and public lands in the area. The KNF refused to meaningfully acknowledge, analyze or respond to these legitimate and site-specific concerns and instead limits its dismissive response to briefly noting that Siskiyou County is an open range county.

A February 7, 2020 letter to the KNF from neighboring landowner Michael Kissel indicates that various KNF representatives had assured Mr. Kissel that the KNF recognized that the Ash Creek Allotment was not suitable for grazing. Mr. Kissel documents the refusal of the KNF and its grazing permittees to address, analyze, mitigate or disclose the damage the grazing allotments cause to private property. Mr. Kissel identifies riparian and aquatic damage to Shake Gulch, Lime Gulch and Ash Creek that the KNF simply ignores. Mr. Kissle also correctly notes that the

KNF refuses to acknowledge that water from Ash Creek is used for human consumption when analyzing the impacts of the grazing allotments on human health. As stated in Mr. Kissel's letter "not a single private landowner within the boundaries of this EA was consulted (draft EA page 62) even though this activity will directly affect each and every one of us."

What the EA does disclose (at page 16) is that while the Forest Service is willing to talk to other federal agencies about potential project issues and tour pro-grazing Siskiyou County politicians around the forest, that issue-identification from the public, stakeholders or neighboring landowners is unwelcome by the KNF.

Proposed Resolution to Objection Point #13: Prohibit, rather than facilitate, unanalyzed damage to adjacent private landowners from your grazing program.

Objection Point #14: Significant Botanical Impacts

The KNF is correct (EA page 38-39) that the proposed grazing and inevitable trespass will result in direct impacts to Forest Service Sensitive species including (but not limited to) *Carex nervina* because "the wet, open habitat in which this species occurs tends to see heavy use by cattle" in part due to the fact that the vast majority of the proposed allotments are unsuitable for grazing such that cattle are drawn to the few productive botanically rich meadows on the Siskiyou Crest and trespass is inevitable.

Lupinus arduus ssp. Ashlandensis, *Pinus albicaulis*, and *Tauschia howellii* will all be harmed by the Forest Service grazing proposal in that "direct effects to individuals may occur from trampling [and] indirect effects may occur from spread or introduction of noxious weeds by cattle." Please note that there is only one population of *Lupinus arduus* in the world and that "cattle drift (sic) [trespass] into this area almost every year..." If this is not a "unique characteristic" or a "significant impact" than nothing is.

A July 17, 2017 email from KNF employee Daniel Henklein to District Ranger Jeff Marszal documents the Forest Service intent to allow and authorize grazing in high elevation Siskiyou Crest meadows even when it is known that a sub-set of the meadows are too wet to sustain grazing without significant damage. Henklein writes that he "believes the animals should be allowed on the Crest NOW in the East Beaver Allotment because 90-95% of the range resources ARE ready, and they should not continue to be held back because 5-10% of the resources may not be ready regarding soil moisture." The EA fails to disclose or analyze the effects of purposefully encouraging and allowing grazing in meadows that are too wet to graze. Additionally, it appears that the KNF urges permittees to ignore the terms of the AOIs that would limit or prevent such grazing.

Please note that unlike the Oak Knoll EA, the Wagner Butte EA indicates that "continued cattle drift...and resulting trampling and displacement of soil could lead towards listing *Tauschia howelli* under the [ESA]." Further, trespass by KNF cows "is considered a threat to the continued viability of the *tauschia* populations." In addition to neglecting its NEPA duties to analyze these impacts, the KNF grazing proposal violates NFMA.

Page 60 of the EA acknowledges the presence of Henderson's horkelia in the grazing allotments yet the KNF declines to quantify the impacts of grazing on the species.

As revealed on page 32 of the EA 13/15 plot monitoring stations for trespass grazing indicate that meadows are not being maintained in a good or excellent vegetation condition.

Proposed Resolution to Objection Point #14: Reject authorization of grazing allotments that rely upon high elevation wet meadow habitats and instead achieve the desired future condition for these habitats in which "the Forest will continue to be one of the most biologically diverse areas in the nation" and wet meadows are in "good or excellent" vegetation condition. See EA page 6.

Objection Point #15: The EA Does Not Analyze and Disclose the Adaptive Management Strategy that the Draft Decision Notice Relies Upon

The EA fails to tell the decision maker or the public which adaptive management actions would be taken to resolve undesirable effects of cattle grazing. All of the potential actions are simply at the whim of the KNF in that particular moment in time. Indeed, it is not even certain who would have the authority to implement the options listed on page 14 of the EA. Further, as stated on page 14 "this is not an exhaustive list of options." So the EA reveals that the Forest Service is relying upon an Adaptive Management "Plan" in which some action may be taken by someone at some time yet even an exhausted list of the mysterious potential actions cannot be completed by the agency.

Proposed Resolution to Objection Point #15: Conduct a NEPA analysis in which the public and the decision maker are informed as to what the Adaptive Management Plan actually entails.

Conclusion

The issues and concerns detailed in the Objection Items listed above were previously identified to the Forest Service by our organizations in our (combined) scoping and EA comments during the Oak Knoll Range planning process and hence we have "standing" to raise these concerns in an Objection. For the purposes of this objection under 36 CFR 218 KS Wild is identified as the "lead objector."

The longstanding unwillingness of the Forest Service to hold permittees accountable for decades of trespass and AOI violations is baffling. The agency's preference for cattle grazing over all other multiple uses, including Coho salmon habitat, PCT recreation, unique botanical values, private property rights, the Aquatic Conservation Strategy Objectives and archeological resources is arbitrary and capricious. The agency's refusal to reduce grazing pressure on the Siskiyou Crest and to right-size the number AUMs to match the available forage is unlawful.

We again ask the agency to consider the above suggestions for reasonable modifications to the Draft Decision Notice so as to better achieve the management objectives identified in the project purpose and need.

We would like to note that we have grave concerns about the objectivity of this administrative objection process given that it appears that review of the objection points will be conducted

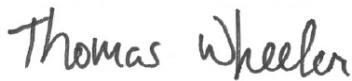
solely by Klamath National Forest officials such that the process is entirely internal and lacks outside accountability that is necessary for fair and equitable resolution of administrative review.



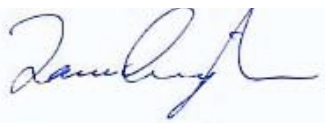
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