

Project to Reform Public Land Grazing in Northern California
Felice Pace, Coordinator
28 Maple Road Klamath, Ca 95548 707-954-6588 unofelice@gmail.com
www.grazingreform.org

July 31, 2020

To: Patricia Grantham, reviewing officer and Forest Supervisor,
Via: patricia.grantham@usda.gov
Klamath National Forest
1711 South Main Street.
Yreka. CA 96097
Attn: Oak Knoll Range Project Objection
Kaleigh Maze, Forest Environmental Coordinator
Via: kaleigh.maze@usda.gov.

Objectors:

1. Lead Objector:
Felice Pace, Coordinator, Grazing Reform Project
Unofelice@gmail.com
Address: (see heading above)

2. Objector:
Laura Cunningham, California Director
Western Watersheds Project
lcunningham@westernwatersheds.org
PO Box 70
Beatty NV 89003

3. Environmental Protection Information Center
Tom Wheeler, Executive Director
tom@wildcalifornia.org
145 G Street Suite A
Arcata, CA 95521

Authorizing Signature:

A handwritten signature in black ink that reads "Felice Pace". The signature is fluid and cursive, with the first name "Felice" being more prominent than the last name "Pace".

Felice Pace

Project Name:

Oak Knoll Range Project, USDA Forest Service, Klamath National Forest (KNF),
Happy Camp/Oak Knoll Ranger District.

Reasons for the Objection: (see below)

Remedies to resolve our objection:

- Complete an environmental analysis which complies with NEPA requirements and which considers at least one feasible alternative which is capable of effectively addressing and ending the long-standing problem of trespass by KNF permitted livestock onto the Rogue River-Siskiyou National Forest (RR-SNF).
- Make a decision which complies with provisions of the KNF's Land and Resource Management Plan (LRMP), that is, with NFMA, with the Clean Water Act and with the Endangered Species Act.
- Make a decision which is feasible to implement with existing or approved staffing and which (based on actual experience on the ground) has a high likelihood of eliminating or lowering to insignificance the excessive stocking of cattle in the Upper Silver Fork Basin and Donomore Basin that results from persistent, significant ongoing trespass of cattle from the KNF's East Beaver Allotment onto those RR-SNF lands.
- KNF managers can convene a collaborative stakeholder group made up of all interested parties, including but not limited to the Applegate Neighborhood Network, affected KNF grazing permit holders, affected RR-SNF grazing permit holders, the North Coast Water Board, Oregon DEQ and the objecting parties to seek a solution that reauthorizes grazing while ending once and for all the persistent, significant cattle trespass and related significant impacts to land and water. Such a Decision could be incorporated into a legally compliant and effective Decision Notice and FONSI.
- The scope of the Siskiyou Crest Livestock Trespass Issue includes the KNF's Horse Creek, Dry Lake and East Beaver Grazing Allotments. That is also the scope of the issue of grazing livestock accessing and degrading the Critical Habitat of ESA-listed Coho Salmon and the issue of cattle-caused degradation of the Siskiyou Crest and its headwater basins. In order to actually and effectively address these contentious and controversial issues, and to resolve both the trespass and Critical Habitat degradation problems, KNF managers can and should abandon this flawed Final EA, Decision Notice and FONSI and prepare an EIS that applies to the Horse Creek, Dry Lake and East Beaver Allotments.

Introduction:

This objection is submitted on behalf of the Grazing Reform Project, Western Watersheds Project and the Environmental Protection and Information Center. All three organizations have fully participated in the planning process submitting both scoping and draft EA comments which are part of the record for the proposed project.

The three organizations have been involved with management of western national forests, including grazing management on those forests for decades. The Grazing Reform Project has been monitoring Klamath National Forest Grazing Allotments on-the-ground for the past eleven years and the East Beaver Grazing Allotment for the past eight years. During that time the Grazing Reform Project

published seven Allotment Monitoring Reports complete with recommendations for KNF managers on how to improve grazing management in order to reduce the negative impacts of grazing on water quality, riparian areas, wetlands and wildlife habitat (previously sent to the Forest in comments). Those reports have also documented trespass of cattle permitted to graze on the Klamath National Forest (KNF) onto grazing allotments of the adjacent Rogue River-Siskiyou National Forest (RR-SNF), including how quickly cattle from the KNF's East Beaver Allotment return to the same trespass sites on the RR-SNF when they are removed from trespass locations. The Project has documented that cattle from the East Beaver Allotment have become habituated to grazing on the RR-SNF, particularly in the Upper Silver Fork Basin and Donomore Meadows.

Reasons for the objection:

The Draft Decision Notice and Finding Of No Significant Impact (Draft DN/FONSI) claims that the final Environmental Analysis (EA) is an adequate basis for the Draft Decision. Those documents also claim that the Draft DN/FONSI is in compliance with the KNF's Land and Resource Management Plan (LRMP) and that it and the Final EA adequately addressed all relevant issues. We disagree with those assertions and that is why we file this objection. The Draft DN/FONSI and final EA fail to adequately analyze, disclose and address relevant issues that were identified through the environmental assessment process, some of which have been outstanding for decades.

I. Failure to comply with NFMA as detailed in the KNF's LRMP

1. Forest Plan Goals and Desired Future Conditions for wet meadows include:

- "Maintain or restore water table levels within existing wet meadows." (p. 4-5)
- "Manage for desired compositional (sic), structural, and functional attributes of biologically diverse forest, rangeland, and aquatic ecosystems consistent with ecological processes in the province." (p. 4-6)

The Draft Decision will not achieve these goals and desired conditions. KNF managers are proposing to continue grazing in the same manner that it has been conducted for decades. But, as the Grazing Reform Project has documented in eight Allotment Monitoring Reports over the past seven years that were specifically cited and linked to in the Project's combined Scoping and Draft EA comment, current management practices result in excessive trampling of wet meadows and other wetlands and cumulatively have lowered water tables in those meadows and other wetlands.

The cumulative impact of current and proposed grazing practices will be to continue to lower the water tables within wet meadows and other wetlands or to maintain those water tables at a degraded level in violation of the KNF LRMP. Reduced water storage in wet meadows decreases baseflows in streams below which negatively impacts ESA-listed Coho salmon and their designated Critical Habitat. The impact of lowered water tables on streamflow and thereby on Critical Habitat was not assessed or disclosed.

Poorly managed grazing as documented in the cited reports has particularly degraded willow wetlands and willows within wet meadows and riparian areas. That in turn has destroyed breeding habitat for Willow flycatcher, a FS sensitive species pursuant to the KNF LRMP.

Below are links to the reports documenting impacts to wet meadows and other wetlands as well as riparian areas and dry meadows:

- https://www.dropbox.com/s/ho6mqvzc5pswxo0/Project%20Report%204.07_HorseCr%26DryLk%20Allots_Sept%206-8%202013_final.pdf?dl=0
- https://www.dropbox.com/s/h2r92qt7dn8mb7a/Project%20Report%206.01_DryLk%20%26%20HorseCr_5-31-15%20%26%206-1-15_final.pdf?dl=0
- https://www.dropbox.com/s/irk3kztvi0f51k0/Project%20Rpt%206.02_SiskCrest%20Or-Ca_Aug%206-9%202015_final.pdf?dl=0
- https://www.dropbox.com/s/eu7zg7uv4dfp8ly/Project%20Rpt%207.01_HorseCr-DryLk-EBeaver_June%2026-29%202016_final.pdf?dl=0
- https://www.dropbox.com/s/y9nfrexwmjx9g1p/Project%20Rpt%208.01_SiskCrest_Aug%207-10%202017.pdf?dl=0
- https://www.dropbox.com/s/tbj3ub5uprhh436/Project%20Rpt%209.01_SiskiyouCrestAllots_6%202%263-18_final.pdf?dl=0
- https://www.dropbox.com/s/9m4sfma7vcia5dt/Project%20Rpt%209.03_2018%20Livestock%20Removal_KNF%20Westiside_Jan%202019_final.pdf?dl=0
- https://www.dropbox.com/s/nczidkyr8ovnm1j/Project%20Rpt%2010.02_SiskCrestAllots_9-26%2627-19.pdf?dl=0

KNF managers have attempted to reduce impacts to some wet meadows via seasonal enclosure fencing. However, those enclosures protect only a small fraction of the wet meadow habitats that exists on the East Beaver Allotment and has only displaced impacts from one part of wet meadow systems to other parts of the same wet meadow systems.

2. Forest Plan goals and desired conditions for uplands include:

“Manage vegetation to provide for healthy ecosystems and to make forage available on a sustainable basis for use by livestock, wildlife, and wild horses. Manage vegetation to provide for a desired condition of herbaceous shrub and forested vegetation according to site potential and resource needs.” (p. 4-8)

“Provide forage to support big game objectives established by the CDFG and to meet current livestock forage allocations.” (p. 4-8)

Desired Future Conditions include: “The composition and structure of forest, rangeland, and aquatic ecosystems will be within the natural range of variability.” (p. 4-14), and “Healthy and resilient rangeland ecosystems provide sustainable forage for use by livestock, wildlife, and wild horses.” (p. 4-16).

As documented in the Allotment Monitoring Reports cited above, the continuation of the same management practices implemented previously will result in the “barrens” on the Siskiyou Crest remaining in a devegetated condition and/or occupation of those dry meadows by disturbance species. There is very little to no forage on those sites. Native bunchgrasses which once occupied the sites have been eliminated by continuous season-long grazing over decades. However, as seen on nearby allotments that have been “vacant” for a decade, those sites will recover native bunchgrass conditions if

they are rested from grazing. Current conditions on Siskiyou Crest “barrens” and on former “barrens” within a nearby vacant allotment where bunchgrasses are recovering are shown in the two photos below:



A currently grazed “barrens” on the Siskiyou Crest



Siskiyou Crest Allotment that has been vacant for a decade

3. The Forest Plan goal for riparian areas includes:

“Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.” (p. 4-6), and

“Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands”. (p. 4-6)

As documented in the Allotment Monitoring Reports cited above and by Multiple Indicator Monitoring (MIM) conducted by FS personnel on one riparian area within the East Beaver Allotment, current and proposed management of the East Beaver Allotment has resulted and will continue to result in excessive streambank trampling (recorded by KNF staff at the one MIM/riparian monitoring site in the Beaver Creek Watershed at up to 22%), degradation of streamside willows and removal of streamside shade resulting in elevated stream water temperatures. Thus the Forest Plan goals and desired conditions for riparian areas will continue to not be fully met because management will not change significantly with respect to the vast majority of riparian areas within the allotment.

4. On page 4-28 & 29 the KNF’s LRMP states:

“Avoid or minimize impacts to Sensitive species where possible. If impacts cannot be avoided, analyze the potential effects on the population or its habitat within the landscape and on the species as a whole.”

Willow flycatcher is a FS Region 5 sensitive species pursuant to the KNF Land and Resource Management Plan (LRMP). It is mentioned only once in the EA as an element in Table 20 on page 61 where it is acknowledged as a sensitive species. Nowhere in the EA is it acknowledged that pursuant to the LRMP KNF managers are required to determine occupancy of Willow Flycatcher breeding habitat. KNF managers have never honored that requirement; only one breeding ground survey in only one location along the Klamath River has been completed since the LRMP was adopted in 1994. That is the case in spite of the fact that the Grazing Reform Project has documented the destruction of Willow flycatcher breeding habitat on multiple KNF Grazing Allotments and has requested that the surveys be completed.

The EA states on page 61:

“The proposed action may affect foothill yellow-legged frog, western bumble bee, willow flycatcher, great gray owl, Tehama chaparral snail, and Cascade frog individuals but would not lead to a trend towards federal listing because habitat modification and/or disturbance is short-term and level of change in suitable habitat is not expected to have major impacts to viability of populations of sensitive species. These species are analyzed in detail in the biological evaluation.”

The Final EA, the Biological Evaluation and other specialist reports do not analyze or disclose the condition of Willow flycatcher breeding habitat on the allotment proposed for renewed grazing (except for one site on one stream) and the Draft DN/FONSI do not contain provisions designed to “avoid or minimize” impacts to Willow flycatchers or their habitat.

The fragmentation and degradation of Willow flycatcher breeding habitat resulting from grazing that the Project has documented is not “short-term.” Rather it persists in time because cattle use the same trails year after year to push through, degrade and fragment the same willow wetlands. The destruction of Willow flycatcher breeding habitat is ongoing and constitutes a violation of NFMA.

II. Failure to comply with NEPA

1. Significant impacts of overgrazing and trespass cattle on sensitive resources are not fully analyzed. Long-standing trespass overwhelmingly from the KNF onto RR-SNF meadows, some of which are already fully allotted and fully grazed by RR-SNF permitted cattle, has resulted in significant damage to RR-SNF land, habitat and wildlife. Those impacts were identified for the FS in scoping and Draft EA comments by objecting organizations but they were not adequately assessed in the EA. Under the decision, the impacts will continue and accumulate.

2. The EA fails to disclose that the information it possesses documenting trespass is fragmentary because regular patrols to determine if trespass has occurred have not taken place as a result of persistent inadequate staffing. Instead the FS has relied upon permit holders to monitor the Siskiyou Crest regularly for trespass. However, FS managers have not required permit holders to report when or how often they have conducted trespass monitoring. KNF managers have not required permit holders to document and report when they monitor for grazing. We do not believe trespass monitoring by permit holders has occurred with any regularity. KNF permit holders have a disincentive to report trespass because their cattle are dependent on forage from the areas where trespass occurs.

In place of regular patrols to assess and address persistent significant trespass of KNF permitted cattle onto the RR-SNF, KNF personnel have relied upon end-of-season monitoring of the four Siskiyou Crest areas where most of the trespass by KNF permitted cattle occurs. However, and as stated in the Final EA:

“Utilization for Silver Creek Basin and Donomore Meadows has not been gathered by Klamath National Forest personnel because those areas have known grazing permits and use from permitted versus drift cattle could not be distinguished; those areas are monitored for cattle presence only” (EA, page 31).

Silver Fork Basin and Donomore Meadows are precisely the areas where eight years of monitoring by the Grazing Reform Project has documented the most and most persistent trespass by KNF cattle onto the RR-SNF land and where the negative impacts to riparian and wetland habitat and water quality are most severe. And yet KNF personnel have failed to assess those impacts even as they did assess

impacts in areas that are subject to KNF cattle trespass much less frequently and where impacts are much less severe. That decision is arbitrary and could be interpreted as intended to hide from public view the severe impacts trespass combined with permitted grazing have created in the Donomore and Upper Silver Fork Basins.

In the Final EA KNF managers have failed to assess and disclose known cumulative grazing impacts which are documented in Allotment Monitoring Reports provided to KNF responsible officials for the past seven years. KNF responsible officials have failed to gather data on those impacts even as they gathered data elsewhere. The failure to assess the cumulative impacts of trespass combined with permitted grazing on Donomore and Upper Silver Fork headwater meadows is arbitrary and disappointing.

The severe impacts being visited on the Donomore and Upper Silver Fork headwater basins as a result of the combination of trespass and permitted cattle use are illustrated by the photos which follow. Many more photos documenting those impacts are available at the following Dropbox link: https://www.dropbox.com/home/Photos_Videos_Maps_Figures_Toons/Forest_Grazing_Public%20Land/Grazing_Photos-Maps-Figures-Cartoons/Graze%20Photos_SiskiyouCrestAllotments/SiskCrest_OR%20Allotments



These photos illustrate the degradation and fragmentation of willow wetlands, riparian willows and soil cover that have occurred in the Upper Silver Fork Basin as a result of the combined impact of permitted and KNF trespass cattle.

Conditions shown in the photos above, that is, severely fragmented willows indicating removal of shade from the stream and excessive amounts of bare soil, are confirmed by monitoring information from the RR-SNF which is presented in the EA (Table 12 on Page 32). As noted in a footnote to Table 12: "Until the plots are resampled, it is assumed that the areas are generally "meeting", or "moving toward" RSS desired conditions for the allotments." The trend in conditions is thus largely undetermined but the starting point (1990) represents already degraded conditions. KNF managers have failed to analyze not only the extent of the degradation in the Upper Silver Fork Basin but especially the extent to which cattle trespass by KNF permitted cattle has caused or contributed to the degradation evident in the photos above and confirmed by RR-SNF monitoring information.

No monitoring information is presented for the Donomore Meadows pasture which is a site of regular and ongoing trespass. KNF managers failed to collect any monitoring data there and none from the RR-SNF is presented in the EA. However, the Grazing Reform project has documented excessive amounts of bare soil and trampled streambanks within Donomore Meadows.

Because the extent and impacts of cattle trespass from the KNF onto the Donomore and Upper Silver Fork Basins of the RR-SNF are not properly assessed and disclosed, the analysis of impacts in the Final EA is flawed and does not provide an adequate basis for decision making.

To summarize: For reasons stated above, the EA fails to adequately assess the amount of trespass that actually occurs and the significant impacts to water quality and habitat that result from the ongoing trespass. Instead, as described above, the EA, DN and FONSI downplay the amount and impacts of persistent and significant ongoing trespass by KNF permitted cattle from the East Beaver Allotment onto the RR-SNF.

The Grazing Reform Project has monitored the Siskiyou Crest 8 times since 2013, usually for 2 or 3 days each time. Each time the Project has monitored it documented and reported cattle trespass from the KNF onto the RR-SNF. Cattle trespass is documented in the Project's Allotment Monitoring Reports. Web links to those reports were provided by the Project in its scoping and draft EA comments and are also found above.

The Project's Allotment Monitoring Reports collectively indicate and document that trespass from the KNF onto the RR-SNF occurs regularly and that KNF permitted cattle, which are habituated to trespass, return to the same trespass sites within a day or two of having been removed. Because FS managers have not adequately disclosed and considered the information on trespass provided by the Grazing Reform Project and monitoring data from trespass sites collected by RR-SNF personnel, the analysis of trespass impacts contained in the final EA is not realistic or adequate for decision making.

The EA does disclose on page 34 that KNF managers have constructed two corrals at taxpayer expense to assist East Beaver Allotment permit holders with the task of removing cattle from RR-SNF lands where they are trespassing. KNF managers would not have incurred that expense if the trespass and its impacts were as limited as they assert in the Final EA and Draft DN/FONSI. The limited trespass data presented in the final EA confirms only that very little trespass monitoring has been conducted by FS personnel and permit holders. It is improperly used to conclude that trespass and its impacts are limited.

The EA also fails to mention, much less adequately analyze, the proposal by RR-SNF grazing staff that the solution to trespass necessitates culling lead cows which are habituated to trespassing from the KNF onto the RR-SNF. That constitutes failure to disclose important information and failure to analyze a feasible alternative which is a NEPA requirement.

3. The final EA fails to adequately analyze and disclose the significant impacts of permitted grazing on Critical Habitat for Coho salmon. In particular, the impact of allowing temporary and permanent gathering corrals to remain within or adjacent to Coho Critical Habitat is not adequately analyzed or disclosed.

For example, the Final EA asserts that "When cattle gather at the corrals during transportation activities, water would be drafted to provide to the cattle" (Page 25). In fact, however, water is rarely if ever drafted for cattle. Instead at each of the gathering corrals, cattle have direct access to streams and that is where they drink water directly from the streams. The significant impacts of unfettered livestock access to several miles of federally threatened Southern Oregon/Northern California populations of Coho salmon Critical Habitat is not adequately analyzed or disclosed. Those significant impacts are not

analyzed in the EA, and therefore a full Environmental Impact Statement is required for this grazing project.

The Final EA notes that impacts to Coho CH are not limited to when cattle are gathered but also occurs in the springtime. However, the impacts that occur in springtime are not adequately analyzed or disclosed. Rather, KNF managers assert that in springtime “The cattle **usually** only remain at this location for a period of three to five days before making their way up to their summer range” (emphasis added). *Usually* is not a precise term and is inadequate to describe impacts. Furthermore, if the quoted assertion is correct, then the cattle arrive on the Siskiyou Crest weeks before they are supposed to be there. And yet, FS managers deny that cattle access the Crest before the July 15 date before which they are not supposed to be on the Crest. KNF managers can not have it both ways: either permitted cattle spend considerable time in spring accessing Coho CH or they arrive on the Siskiyou Crest long before they are supposed to be there and when sensitive plants should not be grazed.

So which is it really: Do cattle access Coho CH for a significant amount of time in spring or do they move to the Crest before they are supposed to be there? Either way, analysis and disclosure of impacts is required for NEPA compliance but is missing from the final EA.

The Final EA also fails to assess, analyze and disclose impacts to Coho Critical Habitat that result from grazing-related removal of stream shade and sedimentation from bank trampling that occurs upstream from stream sections that directly provide Coho Critical Habitat. The stream temperature and sediment impacts exported to Coho Critical Habitat from upstream grazed sites are, however, significant as indicated by the limited monitoring data on those sites provided in the EA and documentation within the Grazing Reform Project’s Allotment Monitoring Reports. The failure to assess, analyze and disclose impacts to Coho Critical Habitat exported from upstream sites violates NEPA.

Impacts to Coho Critical Habitat that are exported from upstream riparian and wetland grazing sites are also discussed in Section III and Section IV of this objection.

4. The final EA dismisses solutions to the trespass problem that could be more effective as impractical. The reasons given, however, are administrative in nature and could be easily overcome if KNF managers were willing to make the effort.

The claims of impracticality appear intended to cover the failure of KNF managers to adequately analyze a range of feasible options to address cattle trespass and its impacts. Furthermore, KNF managers failed to consider or even to mention other proposals to control trespass by KNF cattle including the oft-repeated recommendation from RR-SNF Range Specialist Mark Hocken that KNF permit holders be required to cull lead cows that are habituated to trespass onto RR-SNF lands. The failure to consider that proposal is arbitrary and disappointing.

KNF manager’s proposal to continue the same responses to trespass by KNF cattle onto the RR-SNF means that the trespass and the cumulative degradation of RR-SNF lands and waters are highly likely to continue and accumulate. KNF managers refuse to consider proposals that would likely be more effective, including the use of game cameras to more quickly identify when trespass occurs and more quickly respond to that trespass. The refusal to consider alternatives, including alternatives proposed by other FS personnel, is arbitrary and disappointing.

5. NEPA requires consideration of a reasonable range of feasible alternatives. The final EA fails to comply with that requirement. Specifically, the public, including the Grazing Reform Project, requested consideration of a “Common Allotment over Siskiyou Crest in order to address the issue of cattle drift over the Crest. KNF managers failed to analyze this proposed alternative. KNF managers’ reason for not analyzing the alternative as stated in the Final EA are:

“It would result in inter-Forest permits which would involve agreements of coordinated use between two permittees. This alternative was eliminated from detailed analysis for two reasons: (1) because planning and permitting cycles for the Klamath National Forest and Rogue River-Siskiyou National Forest allotments do not coincide and (2) it would not eliminate cattle drifting into areas that have been closed to grazing.”

These alleged barriers are, in fact, not barriers at all but rather excuses; they could have been easily overcome if managers had truly desired to resolve the trespass issue. Crucially, FS managers have the ability to alter grazing permits at any time and could use that authority to conform permit end dates on both national forests. Indeed, environmental analysis on the RR-SNF allotment in question is very old, is overdue for renewal and is on hold because of lack of resources. The needed analysis could have easily been rolled into the KNF process. The decision not to do that and not to even fully consider the only alternative cited that is both feasible and capable of resolving the trespass issue is arbitrary and a NEPA violation. There is no good reason why the KNF’s analysis could not have been expanded to the RR-SNF Beaver-Silver Allotment where most of the trespass to and from the East Beaver Allotment occurs.

The second excuse, that “it would not eliminate cattle drifting into areas that have been closed to grazing” is also invalid. The trespass problem on East Beaver Allotment is overwhelmingly between it and the RR-SNF grazing allotments, not “areas closed to grazing.” Here again the decision is unjustified and really only an excuse.

Because there is no valid reason to not fully analyze this publicly proposed alternative, which is the only feasible alternative capable of actually resolving ongoing and significant trespass and the impacts that result from ongoing trespass, the decision not to fully analyze and consider it is arbitrary and violates NEPA.

Thus, the final EA fails to analyze a reasonable range of Alternatives when there is an obvious and chronic unresolved conflict concerning alternative use of resources.

6. The Final EA fails to adequately describe and address the Affected Environment:

a. It is assumed that pastures identified and displayed in maps within the EA all provide forage and are capable of providing forage. But, as illustrated by photos on page 3 of this objection, pastures along the Siskiyou Crest are not currently capable of providing significant forage. KNF managers have given up on restoring forage to those areas, have ignored the fact that the barrens will recover if rested from grazing for a decade or so and they have refused to consider the proposal from the Grazing Reform Project to rest the Siskiyou Crest from grazing for ten years. A ten year pause in grazing on the Crest would also solve or greatly reduce cattle trespass onto the RR-SNF because lead cows habituated to trespass would either no longer be part of the herd or would have forgotten the trespass routes.

b. The Final EA fails to assess how the lack of forage on the California side of the Siskiyou Crest impacts the trespass issue.

7. As stated in the EA on Page 35:

“The Klamath National Forest is required to evaluate landscape and project-level impacts to habitat conditions associated with the Riparian Species Association and related River/Stream Management Indicator Species (MIS). Project-level MIS effects analyses are informed by project- and landscape-scale habitat analysis alone. Project-level effects on MIS are analyzed and disclosed as part of environmental analysis under the NEPA.”

The Final EA and the specialist reports on which it relies fail to adequately analyze “ Project-level MIS effects....informed by project-and landscape-scale habitat analysis” for riparian areas and wetlands.

8. Willow flycatcher is a FS Region 5 and LRMP sensitive species. On page 4-28 & 29 the KNF’s LRMP states:“Avoid or minimize impacts to Sensitive species where possible. If impacts cannot be avoided, analyze the potential effects on the population or its habitat within the landscape and on the species as a whole.”

Willow flycatcher is mentioned only once in the EA as an element in Table 20 on page 61 where it is acknowledged as a sensitive species. The EA does not analyze or disclose impacts to Willow flycatcher or its breeding habitat but refers to the Project’s Final Biological Evaluation (BE) in that regard. However, the BE does not assess the presence, extent or condition of breeding habitat in the project area except in one small area of Cow Creek. The discussion of impacts in the BE is general and derived entirely from scientific literature. There is no project or landscape level analysis. Because there is no assessment of the extent and condition of Willow flycatcher habitat in the project area and no assessment of how the proposed project will likely impact that habitat, the impacts of the proposed project on Willow flycatchers and their habitat is not adequately assessed as required by NEPA.

III. The Monitoring Strategy described in the Final EA is not adequate to inform Adaptive Management

Rather than directly address the long-outstanding impacts and management problems that plague the East Beaver Allotment, KNF managers proposed using “adaptive management” to address those impacts and problems. In other words, KNF managers want to “kick the can” down the road in order to avoid addressing known impacts via the current decision. Avoiding hard decisions, however, is not a proper use of adaptive management. Furthermore, in order to be effective, adaptive management must be informed by adequate monitoring of problem areas and conditions.

There are two main areas where the proposed monitoring strategy is not adequate to inform effective adaptive management:

1. Inadequate proposed monitoring of cattle trespass from the KNF onto the RR-SNF:

One of the main problems with management of the KNF’s East Beaver Allotment is the problem of cattle trespass by cattle permitted to graze on that allotment onto areas of the RR-SNF that are already fully stocked with permitted cattle. That has resulted in years and decades of over-stocking within headwater basins of the RR-SNF including the Upper Silver Fork Basin and Donomore Meadows.

KNF managers propose continuing the same trespass monitoring provisions that have been ineffective in the past because KNF lacks the grazing staff to implement regular patrols and refuses to assign other

staff to that task, and also because the permit holders have an incentive to not patrol or find trespass which, by the way, is overwhelmingly by KNF cattle onto RR-SNF lands that are already being grazed, especially Donomore Meadows, Alex Hole and Upper Silver Fork Basin. Ongoing significant trespass in those and other locations has resulted in accelerated degradation of water quality, riparian areas and willow wetlands that is documented not just in Grazing Reform Project reports but also in RR-SNF specialist reports.

Volunteers with the Grazing Reform Project have reported trespass virtually every time we have monitored Siskiyou Crest Allotments over the past seven years and we have learned about and followed some the main trails and paths which cattle habituated to trespass regularly use, including to return to the same trespass locations within a day or two of being "removed" by KNF permit holders.

Because cattle habituated to trespass use the same trails over and over, it is feasible to effectively monitor trespass using recording game cameras along those regularly used cattle trails. While the use of game cameras to monitor trespass was not suggested in scoping and draft EA comments, it should be considered when a final decision is made because it is both feasible, economical and likely to be much more effective as compared to the trespass monitoring proposed by KNF managers.

2. With respect to riparian areas and other wetlands, KNF managers propose to rely on Multiple Indicator Monitoring of riparian areas (MIM). However, managers propose this monitoring at only one site on only one of the East Beaver Allotment's several major streams. That does not comply with the MIM Protocol which is found in BLM Technical Reference 1737-23. The protocol calls for at least one MIM monitoring site at a key grazing area on each major stream within a grazing allotment. The Technical Guide explains in detail why failure to have a MIM site on a key grazing area along each major stream results in inadequate and invalid monitoring results.

The only other monitoring proposed that is capable of indicating riparian and wetland conditions in FS BMP monitoring. However, national FS BMP monitoring data reveals that, among all FS BMPs, FS Grazing BMPs are among the BMPs that are least often implemented and least often effective. And yet there has been no organized effort within the Forest Service as an agency to improve the performance of Grazing BMPs. That is why adequate MIM monitoring in compliance with the MIM Protocol is essential to inform adaptive management. But MIM monitoring to protocol is not proposed by KNF managers. Failure to adequately monitor impacts to riparian areas and wetlands violates the Waiver providing Clean Water Act compliance on the KNF. Limiting MIM to one site on one stream is also likely to miss impacts to Coho Critical Habitat.

IV. Current Monitoring Indicates that desired conditions are not being met

1. The EA discloses that three of the five long term (rooted frequency) plots on the East Beaver Allotment do not meet desired conditions. KNF managers attempt to discount and rationalize that failure. They also do not disclose that region-wide long term monitoring indicates a loss of "hydric" plans which in turn indicates hydromodification, lowering of water tables and loss of wetlands. (See: Riparian Meadow Response to Modern Conservation Grazing Management. Kristin M. Oles, Dave A. Weixelman, David F. Lile, Kenneth W. Tate, Laura K. Snell, Leslie M. Roche. Environmental Management (2017) 60:383–395. DOI 10.1007/s00267-017-0897-1.)

2. The EA reports the results of MIM riparian monitoring at the one MIM site on the East Beaver Allotment. As noted above, the monitoring does not comply with the MIM Protocol. Nevertheless,

results at this one site which are cited in the Final EA indicate that desired conditions are not being met. The results also indicate non-compliance with the KNF Waiver from the North Coast Water Board which implements the CWA on KNF lands.

One measurement in particular is telling: Woody utilization within the MIM riparian area between 2014 and 2019 was recorded as 10% in 2014, 22% in 2015, 10% in 2016 and 20% in 2017 indicating not only inconsistent livestock management (the variation) but also excessive removal of stream shade which certainly elevated stream water temperature contributing to significant impacts and degradation of Critical Habitat for Coho salmon located downstream. These figures also strongly imply that adaptive management is not taking place or only results in temporary changes in how grazing is managed.

We believe that riparian monitoring and BMP monitoring data displayed in the Final EA indicate that KNF managers are managing grazing on the East Beaver Allotment in a manner that violates the Endangered Species Act because it significantly degrades designated Critical Habitat for SONC Coho salmon. While those impacts (sedimentation and elevated stream temperature) may occur upstream of Coho Critical Habitat. They are exported downstream where they have a negative impact on that habitat.

In spite of monitoring results indicating that desired conditions are not being met, KNF managers propose only minor changes in grazing management (fencing one small Critical Habitat site). Failure to adopt management practices that can reduce the significant impacts disclosed and indicated by monitoring results is arbitrary and disappointing.

When faced with ongoing management problems and ongoing significant impacts from grazing, KNF managers have decided to stick their collective heads into the ground and continue essentially the same management that resulted in those impacts. Their response is an attempt to explain away the monitoring results rather than address them via management changes. That too is arbitrary. An Environmental Impact Statement needs to be prepared to better analyze these large impacts.

V. The Draft Decision Notice and FONSI either fail to address significant relevant issues or propose “solutions” that FS managers know will not work because they have been implemented previously and have not worked to resolve the issues they were intended to address.

1. The draft DN/FONSI proposes the same “solution” to the ongoing issue of trespass by KNF permitted cattle onto the RR-SNF that has failed in the past to resolve or even control that trespass. Furthermore, FS managers know that current staffing is inadequate to implement the proposed regular patrols by FS personnel and inadequate to enable effective adaptive management. Furthermore, KNF managers have not proposed, requested or assigned the staffing level that would be adequate to implement the proposed trespass monitoring and adaptive management.

Because there is so little forage on the KNF side of the Siskiyou Crest, KNF permit holders know their cattle are dependent on forage on the RR-SNF side of the Crest. That dependence creates a disincentive for KNF permit holders to patrol for trespass or to report trespass when they know it is occurring. FS managers have failed to recognize or admit that KNF permit holders have a disincentive to identify trespass and again propose in the draft DN/FONSI relying on those permit holders to patrol for and report trespass. KNF managers have never even requested that permit holders log and report each patrol they conduct for trespass cattle or to certify that they are meeting patrol and trespass monitoring

requirements. The absence of reporting invites non-compliance with trespass patrol requirements. Therefore, if permit holder patrols are required by the final decision and relied upon to address trespass, permit holders should be required to report to KNF managers each time they patrol and where they patrolled as well as to certify in writing annually that they have met all trespass patrol requirements.

Summary and Conclusion

As detailed above, we, the objectors, believe that the Draft Decision Notice violates the National Forest Management Act (NFMA) as expressed in provisions of the Klamath National Forest's Land and Resource Management Plan. We also believe the Final EA and the specialist and other reports to which it refers and relies violate NEPA because they fail to consider an adequate range of feasible alternatives and arbitrarily reject a feasible alternative proposed by the objectors. The Final EA and related documents do not contain the analysis and disclosure of actual conditions on the ground and therefore of the effects and impacts of alternatives. Because of these deficiencies we do not believe the Final EA and related documents provide a solid and legally sufficient basis for a Decision on whether or not to reauthorize grazing on the East Beaver Allotment.

Because the documented significant impacts to federally Threatened Coho salmon habitat and the impacts of persistent and long-standing cattle trespass from the Klamath National Forest onto headwater basins of the Rogue River-Siskiyou National Forest are not adequately analyzed in the Final EA, a major remedy to this objection would be for the Forest to prepare an Environmental Impact Statement in order to better collaborate with the public on Environmental Consequences and appropriate mitigation and avoidance measures that would reduce the documented significant impacts to less than significant levels.

We also object because the Decision relies on adaptive management for its justification and to address the persistent cattle trespass problem but the monitoring strategy described in the Final EA, Decision Notice and FONSI is not adequate to inform Adaptive Management. Furthermore, KNF managers know that they do not have the staffing to implement cattle trespass monitoring as described in Project documents nor have they requested staffing adequate to complete that monitoring. Monitoring of riparian areas is not adequate because, as proposed, it does not comply with the Multiple Indicator Monitoring (MIM) protocol. Monitoring is also inadequate to assess and confirm compliance with the Clean Water Act as expressed in the Waiver for National Forest Lands in the North Coast Region of California.

We also object because the Decision as proposed will continue to degrade Critical Habitat for SONC Coho salmon, an ESA listed species.

The need for a decision on whether or not to reauthorize grazing as proposed by KNF managers is not limited to the desire of livestock operators to graze national forest land but also by the fact and impacts of cattle trespass which is overwhelmingly by KNF permitted cattle onto RR-SNF Grazing Allotments. The Draft Decision will not resolve or even make a dent in the trespass issue and, as a result, the degradation of RR-SNF land and waters will continue if the Draft Decision is implemented.

We have objected because we as stakeholders want to see the impacts of trespass and the degradation of Critical Habitat for SONC Coho Salmon finally and adequately addressed.

<<<<<<<>>>>>>>