

December 12, 2019

Nick Glidden
Pine Valley District Ranger
Dixie National Forest
196 E Tabernacle, Suite 38
St George, UT 84770

<https://www.fs.usda.gov/project/?project=57110>

RE: My scoping comments on proposed Pine Valley Wildlife Habitat Improvement Project

Dear District Ranger Glidden:

Please accept, carefully consider, and include in the project file my following comments on the proposed Pine Valley Wildlife Habitat Improvement Project

At the outset, I have been a Washington County Utah resident for nearly two decades, and I am generally familiar with the area where this proposed action may occur. I deeply care about the future management of this area. I strongly believe that these public lands and resources should be managed in the long-term public interest to maintain and restore the abundance, diversity, and productivity of native wildlife and plant communities. Management should emphasize sustainability and resiliency in the face of climate change and other increasing threats. Only proposed actions that would truly advance these necessary purposes should be approved and implemented.

I carefully reviewed the "Scoping Notice" at this Dixie National Forest web link:

https://www.fs.usda.gov/nfs/11558/www/nepa/112558_FSPLT3_4949640.pdf

I strongly support and applaud the stated Purpose and Need pasted in here:

Purpose and Need

The Pine Valley Ranger District covers approximately 481,000 acres of which 250,000 acres are located within an Inventoried Roadless Area (IRA). An additional 55,000 acres are in designated wilderness. Approximately 320,000 acres are under review for treatments including the 250,000 acres in IRA outside of wilderness areas. Treatments would not occur in areas where vegetation is within a desired NRV or in areas where it is determined that restoration would not be successful. The purpose and need for the proposed project include: □ *Improve and/or maintain wildlife habitat across the Pine Valley Ranger District including habitat for Threatened and Endangered species, Forest sensitive species and Forest focal species and species of concern (California condor, peregrine falcon, northern goshawk, Townsend big-eared bat, spotted bat, elk, mule deer, wild turkey, flicker, grey vireo, broad-tailed humming bird, Virginia's warbler and brewer's sparrow).* □ *Improve and/or maintain stand conditions in mature and old growth pinyon-juniper stands.* □ *Restore ecosystem composition and/or structure, to reduce the risks of uncharacteristic wildfire effects, and to conditions within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period (36 CFR 294.13 (b)(1)). :*

I also strongly support, applaud, and urge you to ultimately approve (subject to some concerns described below) the Proposed Action pasted in here:

Proposed Action

Based on findings from the Landscape Conservation Forecasting and project design features (Table 2) the Dixie NF proposes the following actions to improve

wildlife habitat and select vegetation community conditions on the Pine Valley Ranger District: 1. Trend vegetation communities towards the Natural Range of Variability (NRV) as identified in the TNC Landscape Forecasting report (2014) using the most appropriate tool or suite of tools such as: mastication, harrow, seeding (rangeland drill and/or aerial), chipping, lop and scatter, cut/pile, and prescribed burning. 2. Modify existing conditions to improve wildlife habitat and reduce the threat of uncharacteristic wildfire across the landscape by manipulating vegetation age class and species diversity distribution across the project area.

I commend both The Nature Conservancy and Dixie National Forest for their positive coordination and collaboration in conducting the Landscape Conservation Forecasting (LCF) analysis process for this area. I am familiar with this LCF process and I believe that it is an extremely valuable tool for providing science-driven vegetation management options and recommendations to land managers. Indeed, this CLF process was successfully used elsewhere in Washington County to assist BLM in managing the decade-old Red Cliffs and Beaver Dam Wash National Conservation Areas.

However, despite my overall enthusiastic support, I do have some serious concerns. I believe that these concerns can and should be addressed to ensure that project implementation properly occurs and that the public investment in this work is rewarded out on the ground without any potential subsequent back-sliding.

For example, I am concerned about how the NEPA compliance is being done. The Decision Framework text pasted in below indicates the likelihood that analysis of this proposed action will be conducted through a categorical exclusion (CE). Despite what the text says, public scoping usually is not done for CEs, nor are potential alternatives analysed in detail. A CE may generally be

approved unless an extraordinary circumstance is found.

Decision Framework

The Forest Service will conduct an environmental analysis of the Proposed Actions in compliance with the National Environmental Policy Act (NEPA). Preliminary analysis indicates the potential environmental and cumulative effects that may result from this proposal may be categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement under 36 CFR 220.6(e)(6) "Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction". No herbicide use is proposed, and no roads will be built as a result of the project. Preliminary review of the project with forest resource specialists has not identified extraordinary circumstances that would preclude use of the categorical exclusion cited above.

While I appreciate that no herbicide use or road building are part of this proposed action, and that no work would occur in statutory wilderness, I am concerned about the large potential treatment area and the large portion of that possessing bona fide roadless wilderness characteristics.

From the Proposed Action:

Approximately 320,000 acres are under review for treatments including the 250,000 acres in IRA outside of wilderness areas.

Under normal NEPA circumstances, I believe that such a large area for potential treatments, the fact that some treatment methods cause soil disturbance, and

the large roadless component would combine to necessitate preparation of either a programmatic Environmental Impact Statement (EIS)(with subsequent tiered site-specific Environmental Assessments) or at minimum an Environmental Assessment (EA) to determine if an EIS is required.

Given this large area, and the variety of potential treatment methods and locations, it is difficult to evaluate the context and intensity of anticipated effects (both positive and negative) to determine whether they may cumulatively rise to the level of "significance" defined in the key CEQ NEPA regulation. A CE cannot perform this evaluation; only an EA with possible subsequent FONSI can do that. And, of course, preparing an EIS is an acknowledgment that one or more "significant" impacts would likely occur if the proposed action is implemented.

This NEPA situation creates a dilemma for me. I strongly support the commendable objectives of this purpose and need and proposed action, but I also believe in the importance of a thorough and honest NEPA analysis process that includes a good faith evaluation of alternatives and meaningful opportunities for public involvement. Indeed, I believe that the NEPA process can bring a level of public awareness and agency transparency and accountability that may likely not occur otherwise. In any case, I encourage you to carefully consider these concerns before deciding which NEPA analysis path to take. Sometimes doing the most expedient thing to save time can backfire if it results in a lack of adequate public awareness and support, and the risk of prolonged appeals and litigation. Doing it "right" the first time is generally the best bet.

I carefully reviewed the proposed action's project design features. I believe that they are generally reasonable and necessary, and I hope that they are ultimately adopted, faithfully monitored for compliance, and fully implemented.

However, I am concerned about Project Design Feature R-2 pasted in here:

Project Design Feature R-2:

Livestock grazing will continue to be administered through existing range allotment decisions and annual operating instructions to minimize impacts on regeneration and seeding establishment of vegetation. Measures may include livestock management activities such as herding, salt placement, timing of grazing, fencing, and rest. Rest will follow established DNF guidelines. Normally, the Forest requires that treated areas be rested for two growing seasons. Prior to stocking these areas an evaluation is needed to make sure that the rangelands are within 80% of desired effective ground cover values for the site and desirable plant species are established and producing seed. These timeframes may be modified based on documented consensus from an Interdisciplinary Team. Utilization standards are described in the Forest Plan and apply to this project.

I believe that this feature is too vague and too weak. I also believe that continued or resumed livestock grazing in the treated areas poses the greatest threat to long-term treatment success. Ranchers often support these "range improvement projects" because they may create more desirable under-story vegetation and thereby increase the weight and/or number of their cattle. Ranchers profit from these fatter cattle or the ability to turn out more cattle. It is unfair if the public pays for these treatments to improve "their" public lands and resources to benefit ecological health and native species, and then ranchers ultimately receive much or most of the actual benefit through increased profits. These ranchers already pay ridiculously low monthly grazing fees and

may receive free government help to kill native predators, regardless of whether they first take reasonable measures to reduce the risk of predator losses.

A recent USGS scientific report covering the Great Basin indicates that livestock grazing contributes to the dangerous colonization and spread of cheatgrass and other invasive annuals that are dramatically changing fire ecology. This report also indicates that livestock grazing is not an effective method to control cheatgrass, or to hinder or prevent widespread cheatgrass fires. Livestock trample and compress soil, transport seeds on their hide or through their feces, prefer eating native plants, break up crucial biological soil crusts, and create other adverse impacts that combine to benefit cheatgrass and other invasives. I therefore believe that the greatest threat to the long-term success of these proposed vegetation treatments is that cattle grazing will be allowed in a manner that undermines treatment effectiveness and that substantially increases the risk that cheatgrass may overtake the treatment area.

For Project Design Feature R-2, please revise and strengthen it to prohibit any resumption of livestock grazing within at least the first three growing seasons after treatment, and only if treatment areas are at or over 90 percent of the desired objectives. Please also delete the "escape hatch" sentence that treatment timetables may be modified by documented IDT consensus. If the IDT teams are primarily comprised of the livestock permittees and government employees, as I strongly suspect, then I do not trust them. Too often the permittees demand what they want, and the timid government employees accede to those demands out of intimidation, fear, and political expediency. The employees know if they "rock the boat" they may lose their jobs, or at least face adverse career consequences. If the "escape hatch" sentence remains, it would create the situations where these intimidation tactics

could continue and perhaps worsen. Given the public's investment in these vegetation treatments, and the greater uncertainty relating to climate change, invasives, and other resource threats, it makes sense to have a simple minimum three-growing-season "rest" requirement without exception.

In addition, I know that proposed vegetation treatments like this one have become increasingly controversial. Many people do not trust the Forest Service at this time, and believe that the Forest Service (especially in the current Trump political climate) is mostly interested in serving commodity interests like ranchers, miners, and fossil fuel companies. The project purposes may sound good on paper but the fear is that the Forest Service uses these positive purposes as a smokescreen to conceal the likely reality behind the project - creating more forage for private livestock and ranchers' profits, as well as perhaps creating more forage for big game species for hunters. Most people are not ranchers and most people do not hunt. And I believe that most people want their public lands to be managed for healthy ecological communities, diverse native species, and sustainable land uses.

These types of vegetation treatment projects have a mixed record in terms of achieving their purported purposes. Sometimes they reduce soil erosion, create more understory vegetation, and improve habitat diversity. Other times they cause an explosion in cheatgrass and other invasive species, and premature livestock grazing diminishes the potential for improvements to occur or be sustained. So there is always a risk that these publicly funded treatments may fail or even somewhat backfire. This risk will likely increase going forward given the continuing spread of invasive species and the prospect for more prolonged droughts due to climate change. In addition, the more we learn about biological soil crusts, the more that we appreciate their importance in terms of stabilizing

soil, holding nutrients, and impeding the spread of invasive species. These soil crusts are fragile and some proposed treatment methods would destroy them. So a delicate balance should occur to prefer the treatment methods that have the best chance for success along with the least chance for failure. This normally means to avoid or at least greatly reduce those treatments that cause soil disturbance and thereby threaten to destroy beneficial biological soil crusts while helping harmful invasives.

I hope that my scoping comments are helpful. Please add me to the project notification list for this proposed action at my contact information below.

Thank you very much for considering my comments.

Sincerely,

Richard Spotts
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