



December 2, 2022

Jennifer Eberlien, Regional Forester

<https://cara.fs2c.usda.gov/Public//CommentInput?Project=57325>

email: objections-pacificsouthwest-regional-office@usda.gov

Re: Inyo NF Comprehensive River Management Plans (for Cottonwood Creek and Owens River Headwaters)

Dear Regional Forester:

The Center for Biological Diversity (“Center”) has reviewed the Final Environmental Assessment and the Draft Decision Notice / Finding of No Significant Impact for the Comprehensive River Management Plans for the Inyo National Forest (Responsible Official, Lesley Yen, Forest Supervisor). Pursuant to Forest Service regulations at 36 C.F.R. § 218 *et seq.*, we respectfully submit this objection for the reasons discussed below, which are based on our previous comments.

The Center for Biological Diversity is a non-profit conservation organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has more than 1.7 members and supporters throughout the United States, including residents in eastern California and members who regularly visit and utilize the Inyo NF Wild and Scenic Rivers that are the focus of this objection. The Center submitted comments on the Draft Environmental Assessments and Draft Comprehensive Management River Plans, and we incorporate those comments herein.

STATEMENT OF ISSUES AND OBJECTIONS

We appreciate the Forest Service’s consideration of our previous comments and for clarifying some of the issues addresses in our comments. Below, we discuss the issues that still concern us.

Issue #1: Management Actions for Cottonwood Creek

The Cottonwood CRMP states as a management action to “consider closing and restoring dispersed [campsites] to natural conditions, where they are adversely affecting water quality.” In our comments, we proposed removing the word “consider” such that it reads: “Close and restore dispersed campsites to natural conditions, where they are adversely affecting water quality.”

The response to comments states: “Closure of campsites is not the only possible management option. Sites can be delineated, reduced in size, moved away from water, or hardened to reduce erosion. Closure and restoration is an option to be considered; thus, no change made to CRMP.”

The intent of our comments was to ensure that management actions to address adverse water quality impacts would actually occur rather than only be considered. In light of the response to our comments, we offer the following language:

Change:

“Further study water quality impacts and if necessary, consider closing and restoring dispersed campsites to natural conditions if they are found to be adversely affecting water quality.”

to:

“Further study water quality impacts, and if dispersed campsites are adversely affecting water quality, ensure that the adverse impacts are stopped or mitigated to the greatest extent practicable. For example, the dispersed campsites can be reduced in size, moved away from water, hardened to reduce erosion, or closed and restored to natural conditions.”

Recommendations to Resolve Objection #1:

Change the management action at issue to read: “Further study water quality impacts, and if dispersed campsites are adversely affecting water quality, ensure that the adverse impacts are stopped or mitigated to the greatest extent practicable. For example, the dispersed campsites can be reduced in size, moved away from water, hardened to reduce erosion, or closed and restored to natural conditions.”

Issue #2: Grazing impacts to Cottonwood Creek

The Cottonwood CRMP states to “[m]onitor grazing use for water quality impacts,” but contains no mechanisms to ensure that grazing does not impede water quality or ORVs. The response to comments states that grazing impacts would be addressed outside the CRMP and that the CRMP is only meant to establish the ORVs by which grazing must abide. However, we see no reason the CRMP cannot itself contain actions that would remedy any adverse water quality (or other) impacts from cattle grazing.

Recommendations to Resolve Objection #2

Include management actions that require action to occur to remedy any adverse impacts from cattle grazing.

Issue #3: Cottonwood Creek and the National Landscape Conservation System

National Conservation Lands include Wild and Scenic Rivers, and the Cottonwood CRMP should therefore address the requirements of the Desert Renewable Energy Conservation Plan, which adopted a 1% disturbance cap that includes existing disturbance including roads and

camping areas. The response to comments states that the EA/CRMP does “not authorize new ground disturbance,” and “[s]pecific DRECP disturbance cap analysis would come with the future implementation-related NEPA documents.” The NEPA review for the CRMP should include, however, baseline data on ground disturbance¹ in order to most accurately reflect the current condition of the wild and scenic river to help inform future management decisions and resource protection needs. Surface disturbance is relevant to the ORVs and should be included in this NEPA review.

Recommendations to Resolve Objection #3

Provide specific baseline data on ground disturbance within the WSR corridor.

Sincerely,



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¹ From the DRECP LUPA at xv-xvi: “**ground disturbance cap.** Generally, a limitation on ground-disturbing activities in California Desert National Conservation Lands and ACECs. Expressed as a percentage of total BLM-managed California Desert National Conservation Lands and/or ACEC acreage, and cumulatively considers past, present, and future (proposed activity) ground disturbance. Baseline/existing (past plus present) ground disturbance would be determined using the most current imagery and knowledge at the time of an individual activity proposal. Specifically, the ground disturbance caps will be implemented as either a limitation or an objective triggering disturbance mitigation. The ground disturbance cap is a limitation on ground-disturbing activities within the California Desert National Conservation Lands and/or ACEC, and precludes approval of future ground-disturbing activities if the ground disturbance condition of the California Desert National Conservation Lands and/or ACEC is below the designated ground disturbance cap. The ground disturbance cap functions as an objective, triggering a specific disturbance mitigation requirement if the ground disturbance condition of the California Desert National Conservation Lands and/or ACEC is at or above its designated cap. The disturbance mitigation requirement remains in effect until the unit drops below its specified cap, at which time the disturbance cap becomes a limitation. Refer to LUPA Section II.2.1, for the full implementation methodology. The methodology is repeated in Section II.2.2, and in CMAs NLCS-DIST-2 and ACEC-DIST-2.

ground disturbance mitigation (also known as disturbance mitigation). A discrete form of compensatory mitigation, unique to the ground disturbance cap implementation, and separate and distinct from other required mitigation in the DRECP LUPA. The disturbance mitigation requirement is triggered when the ground disturbance condition of the California Desert National Conservation Lands and/or ACEC is at or above its designated cap. The disturbance mitigation requirement remains in effect until the California Desert National Conservation Lands and/or ACEC drops below its designated cap. Refer to LUPA Section II.2.1 for the full ground disturbance cap implementation methodology. The methodology is repeated in Section II.2.2, and in CMAs NLCS-DIST-2 and ACEC-DIST-2.”

From: [Justin Augustine](#)
To: [FS-objections-pacificsouthwest-regional-office](#)
Subject: [External Email]Inyo NF Comprehensive River Management Plans (for Cottonwood Creek and Owens River Headwaters)
Date: Friday, December 2, 2022 3:27:53 PM
Attachments: [CRMP Inyo Predecisional Objection 12022022 CBD.pdf](#)

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Please see the attached objection.

Thank you,

Justin Augustine