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Comments: The following are comments for the Blucher Creek group EA

The EA does not provide a chart of actual use on the 3 allotments over the last 15-20 years. It is actual use that creates current conditions, not permitted use. As a result, impact analyses based on current conditions would not be accurate for full permitted numbers, which is what this decision will authorize.

The proposed action authorizes "Specific allowable use levels include a maximum forage utilization of 50 percent of key forage species in the uplands" but the proposed action does not provide any scientific basis for this high of a utilization rate by livestock. The EA is also silent whether this high level of utilization provides for Sensitive Species or other wildlife habitat, as required by the Forest Plan. As discussed in detail in the attached, there is little, if any, scientific support for a 50% utilization level providing for the habitat needs of Wildlife.

Most of the analysis area is DFC 12, which has a specific wildlife emphasis. Despite the fact that DFC's are the zoning of the Forest Plan and prescribe differing management, the EA is entirely silent on this foundational Forest Plan direction.

The IDT seem to not understand what cumulative impacts are under NEPA. The EA's definition of cumulative impacts is inaccurate and does not comply with NEPA. See attached.

The EA's reliance on ground cover values as low as 60% does not comport with current science, as discussed in the attached review of this issue. One other District on the B-T has attempted to misuse foliar cover as ground cover. This needs to be clarified.

The EA provides two potentially contradictory descriptions:

This measure accounts for any basal vegetation, litter, and rock fragments greater than three-fourths inch in diameter. It represents the percent of material other than bare ground (e.g. live or dead vegetation, litter, cobble, gravel, stones and bedrock) covering the land surface (USDA Forest Service, 2003).

The first sentence above is the correct definition. The second could be interpreted to include foliar and standing dead which is incorrect.

On page 6, the EA states misleadingly that "Guidelines are flexible by definition and are meant to generally constrain organizational actions or define desired resource conditions (Forest Service 2015)."

Responsible Official may adjust guidelines when it is necessary to address effectively specific circumstances. In such a case, the Responsible Official should:

1. Document a clear rationale for adjusting the guidelines in both the project analysis and decision documents.
2. Recognize the purposes for which the guideline was developed and provide assurance that the project or activity will still achieve those purposes. FSM 1909.12\_10 (emphasis added)

Again on page 8, the EA incorrectly states "Although some monitoring sites do not meet all desired conditions, Forest Plan guidelines are intended to be flexible with the overall goal of continuing a positive trend in meeting resource goals and objectives." Both Standards and Guidelines are requirements.

This statement on page 7 is misleading, illogical and incorrect. "Based on downstream monitoring, water quality of streams in each allotment support their assigned beneficial use and stream channels are generally in good condition (WDEQ 2018)." Firstly, there is the foundational principle of logic that absence of evidence is not evidence of absence. Without actual data collection on the water quality impacts of the action, no such inferences can be drawn. Further, without any information regarding the location of this "downstream" monitoring, no inference can be drawn. Finally, without a connection between the parameters assessed and the parameters affected by the action, no rational inferences can be drawn.

On page 9 of the EA, we see the following misleading statement "Current grazing management practices are in place to minimize impacts to streams and associated riparian areas. These practices currently include scheduled rest, scheduled rotation, placing sources of salt and minerals well away from streams, and managing herd locations with routine riding and herding.

[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd584429.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd584429.pdf)

[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd648968.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd648968.pdf)

A review of the 2019 shows no requirements to minimize impacts to riparian areas. In fact, the AOI is silent on limits of utilization or riparian impacts. One of the cursory AOI's doesn't mention salt and there are no requirements for herding in either of them.

In the range section, the EA states that range condition is assessed by species composition, but no information is provided regarding species composition or production.

Upon request, I obtained summary data for the 5 transects established in the 3 allotments and a review of the primary production species, one sees that the plant community is dominated by unpalatable and increaser species. While the summary sheets don't provide production data, given the dominance by unpalatable and increaser species, there is little chance that forage production is meeting the demand in the permits.

The EA fails to take a hard look at the ESDs for the capable acres but a simple review of likely ESD's such as the 20+ Loamy or the 12-19 Sandy show massive departures from HCPC.

As this site deteriorates due to a combination of frequent and severe grazing, species such as three-tip and mountain big sagebrush, buckwheat, and yarrow will increase. Rhizomatous wheatgrass and less palatable grasses such as Letterman needlegrass increase. Kentucky bluegrass may invade. Cool-season grasses such as bluebunch wheatgrass and Columbia needlegrass will decrease in frequency and production.

Potential vegetation is estimated at 70% grasses or grass-like plants, 20% forbs, and 10% woody plants.

It is likely that the Forest Service avoided providing Similarity Index calculations for grasses, forbs and shrubs because it would show that the grazable acres are in upper "poor" to lower "fair" condition.

This failure to examine the most basic components of range condition, which is critical to informed decision making is arbitrary and a violation of NEPA's 'hard look requirement.

The EA appears to be based on a now 15 year old range report (EA at 9), that's like half of entire federal career old.

The ancient range report states:

Current livestock management led to low-to-moderate utilization rates on key forage species and resulted in range and watershed conditions being maintained or enhanced. No need for different livestock utilization levels has been identified to meet wildlife habitat needs.

No definition of use levels or what the key species were, or what the time frame or what stocking rates. Without this information the conclusory statement is meaningless.

In a recent review of utilization monitoring sheets on the Kemmerer District, it was found that the range con was using unpalatable and increaser species, including larkspur and wyethia as 'key species' so of course utilization was 'low to moderate'. It would be nearly impossible to get high utilization levels on these species.

What wildlife were examined in the range con's report? Why is the range con report making determinations for wildlife? What were the habitat requirements for each of the species examined and how did they compare with conditions 15 or 20 years ago? What Sensitive Species did the out of date report look at? The EA fails to examine these questions.

The ancient report opines that:

Livestock numbers are within capacity as evidenced by conditions of vegetation, soil, and riparian resources.

But as stated above, the EA fails to provide any data regarding conditions of vegetation and soil. And the only information regarding vegetative condition is that that can be

gleaned from the summary data sheets which were not included in the EA. This data shows severely degraded vegetative conditions.

As far as riparian conditions the EA itself states that a significant portion of the riparian areas are not meeting Forest Plan minimum requirements. So the EA's statement is false and unsupportable.

The EA states that shrub cover is too high but provides no literature to support this claim. What data provided shows sagebrush within the HRV according to RMRS literature.

The summary data sheets for the 5 transects within the 3 allotments all show low to very low cover of sage brush.

"A history of fire suppression has also contributed substantially to the existing condition of high sagebrush canopy cover."

But no data is provided to back this statement up. In order for the Forest Service to make such a statement it would have had to have mapped fire starts in the area, reviewed documentation of fire suppression efforts and related the two. Since it is extremely unlikely that the Forest Service has done this, it can not honestly make this statement. And again, the data does not support the contention that sage density is outside the HRV.

Please review and incorporate RMRS-RP-40 and RMRS-GTR-144. The figures in Table 4 (how these sites relate to the 5 transect sites is unknown) do not show sage brush density outside the HRV.

Of note it that most of the grazable acres should have a major component of bluebunch wheatgrass, a strong decreaser under grazing pressure. Of the 5 transects, this species have been functionally eliminated from 4 of the 5.

Again, the data does not support the Forest Service's unsupported claims that vegetative composition is fine, unless low "fair" or high "poor" is A-OK with the Forest Service.

The EA mentions part of the utilization guideline, but omits:

During AMP revision, the Interdisciplinary (ID) Team and livestock permittees will prescribe site-specific utilization levels needed to meet Forest Plan objectives.

During monitoring and evaluation a Utilization Guideline may be changed if the prescribed level is not accomplishing planned objectives.

Site-specific utilization levels on key wildlife ranges will be established by an ID Team.

ID Teams will prescribe other proper-use standards to achieve site-specific objectives for the rangeland being managed. The standards will be a combination of forage utilization, ground cover, plant vigor, soil disturbance, or streambank stability. For example, on domestic sheep range, an objective of minimizing soil disturbance will be more important than forage utilization.

The EA ignores the Sensitive Species, wolf, despite the fact that dozens of wolves have been killed in the analysis area to protect private livestock.

The amphibian section is woefully inadequate and fails to utilize the best available science. Please review the attached and revise the analysis.

The cultural resource section is also fact-free. To have any understanding of the current conditions, the EA would have to provide mapping and information regarding areas surveyed, what class of survey effort was done, whether the survey effort complies with current standards and the relationship between the areas surveyed, and the purpose of the survey and capable acres within each allotment.

The EA states "Forest Service presented a plan to measure compliance with the desired conditions." But doesn't detail the plan or define what the "desired conditions" for cultural resources are or how that relates to the requirements of the NHPA and Forest Service and USDA directives on the management of cultural resources. This doesn't constitute a 'hard look' as required under NEPA.

Here is another wild leap of specious logic:

The proposed action within the project area could impact Brook Trout populations and perhaps impact the recreational sport fishery, but would have no effect to special-status fish species. Because the allotments have been and are currently grazed, and because those grazing practices have not caused noticeable impacts to the fish community, the proposed action would have minimal impact to the resource.

So Forest Service actions have extirpated CRCT from historic habitat and now because they have been extirpated, everything is A-OK, wonderful.

Does the Forest Service have a duty to recover Sensitive Species? Does the Forest Plan provide any direction for the management of CRCT? One wouldn't know from reading the EA because it completely failed to take any look at that, let alone take the 'hard look' required by NEPA.

All in all, this EA appears to have been thrown together with the sole intent of supporting the foregone conclusion that status quo livestock grazing will continue on these allotments no matter what.

Again, grizzly bears exist within the allotments, there is a well-worn path regarding grizzly bears eating unnatural food attractants (i.e. non-native private livestock) and being killed as a result, but somehow stuffing the area full

of unnatural food attractants will have no effect on grizzly bears.

I think the biologist needs to review USFWS call definitions because their current call fails to comply with these definitions.

For sage grouse, the EA states that the amendment will be implemented but no requirements of the amendment as described in the proposed action. As such, it appears that the EA's assertion is false.

For amphibians, the EA repeats the unsupported, conclusory statement:

"Additionally, the allotments will meet all BTNF Forest Plan Standards and Guidelines. Therefore, continued grazing would not alter overall structure or composition of native plant communities, including riparian areas and aspen habitats, and impacts to Columbia spotted frogs would be minimal."

The EA fails to even mention all applicable Forest Plan Standards and Guidelines and certainly doesn't analyze compliance with them. Without providing such an analysis, the Forest Service is basically saying 'trust us' but NEPA doesn't allow for that. The Forest Service must take a 'hard look' at each applicable Forest Plan direction and provide full rationale that can be examined.

The DM, the project file and reports must list each of the applicable Forest Plan Standards, Guidelines and Objectives, both Forest-wide and DFC specific, if they are being met and what data is being relied upon to make that determination.

I would also like to call your attention to the recent Order by the U.S. District Court in the matter Western Watersheds Project v. USFS, No. 05-cv-189-E-BLW (D. Idaho).

As that decision holds, the Forest Service must assess "capability" of forest lands for livestock grazing on a site-specific basis, before authorizing livestock grazing. That decision recognized that the Forest Plans contains a more generalized capability analysis, which should act as the starting point for more site-specific analysis at the allotment level.

We conducted a capability analysis from GIS data obtained from the Forest Service, using just vegetation and found only a small fraction of the allotments in question to be capable. See attached.

Note that for a number of the pastures a significant portion of the capable acres are contained in tiny patches separated by large areas of non-capable lands. This has significant implications on their practical availability and management.

For the Blucher Creek group, only 9614 acres (31%) met the capability criteria. Maps included in these comments do not take into account slope

Pasture Capable Acres % Capable of Total AUM's CapAcres/AUM

Blucher Cr 2396 21% 645 3.7

Sweetwater 3855 22% 400 9.6

Based on 2019 AOI

Chicken Cr 698 61% 152 4.6

East Fork 708 34% 152 4.7

Middle Fork 276 15% 305 0.9

1682 610 2.8

Based on the primary Holechek range management textbook and the USDA Range and Pasture Management

Handbook, the East Squaw Creek allotment would need to be

producing 700 pounds of forage (not total production) to support the status quo authorization. The EA provides no evidence that the number of AUM's being authorized is being produced.

Unfortunately, the extremely poor quality of the EA despite the waste of \$70,000 of taxpayer money to the outsourcing company, has resulted in a document that needs to either scrapped entirely or heavily revised to be complaint with NFMA and NEPA. Likely the Forest Service spent another \$30,000 in contracting, oversight and review.

So only looking at the direct expenses from this NEPA process, ignoring the money lost in administration and other expenses of the range program for these three allotments, the Forest Service wasted over \$60 per AUM permitted. This is about what AUM's are sold for on the open market and nearly as much as AUM's are worth in the context of buyouts.

Does this not seem absurd to you?

Let's look at this absurdity from another perspective. The Forest Service charges these welfare ranchers \$1.35 per AUM. Half of this goes back into welfare subsidies, so only half of that or 0.67 cents actually goes to defraying the costs of the range program. So it will take over 90 years for their grazing fees just to cover the expense of this pathetic EA.

Does that not seem absurd to you?