Data Submitted (UTC 11): 2/12/2024 10:42:34 PM
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Comments: On July 5, 2023, the U.S. Forest Service ("USFS") released for public review the document entitled "Flat Canyon Allotment Scoping and Notice of Proposed Action and Opportunity to Comment" (the "Notice of Proposed Action" or "NOPA"). Pursuant to the NOPA, the stated purpose of the NOPA was to allow for public comment on the USFS's proposal "…to consider whether and how to authorize livestock grazing on the Flat Canyon Allotment in accordance with the Fishlake National Forest Land and Resource Management Plan." Again, according to the NOPA, the USFS indicated an intent to analyze three alternatives: Alternative 1 (Winter Sheep Grazing), Alternative 2 (Conversion to Cattle Grazing), and Alternative 3 (No Grazing).

At that time, the State of Utah ("State") reviewed the NOPA and the included Alternatives put forth for scoping comments. On August 2, 2023, the State provided scoping comments ("Scoping Comments"). As part of that scoping letter, the State provided an analysis of its interests regarding the Flat Canyon Allotment NOPA. Said comments have been incorporated by reference as if stated in full herein.

Subsequently, on December 27, 2023, USFS released for public review the document entitled "Flat Canyon Allotment Management - Environmental Assessment, Finding of No Significant Impact and Draft Decision Notice" (the "EA" or "FONSI"). To reiterate what the State expressed in its Scoping Comments, overall, the State encourages the responsible and appropriate development/use of natural resources (including rangeland resources) to promote economic development for the benefit of its citizenry and to support the State's energy plan. As such, responsible and non-burdensome regulation is necessary to ensure the continued success of the State's natural resources industries/activities that rely on National Forest System Lands (such as grazing, logging, and recreation).

In this vein, the State, through its Public Lands Policy Coordinating Office ("PLPCO") largely supported the Flat Canyon Allotment Management Alternatives 1 and 2 at the time of its Scoping Comments and opposed Alternative 3. However, new information has come to light that gives the State pause as to the implementation of not only Alternative 3, but also Alternative 2, and as such, the State provides further comments and recommendations in response to the USFS's FONSI.

Accordingly, please consider this letter the State's formal objection to the USFS's Grazing Decision pursuant to 36 CFR Part 218. Specifically, the Flat Canyon Allotment Management - Environmental Assessment, Finding of No Significant Impact and Draft Decision Notice.

I.THE FONSI

As noted, prior, the stated purpose of the FONSI is to analyze "…whether and how to authorize livestock grazing on the Flat Canyon Allotment in accordance with the Fishlake National Forest Land and Resource Management Plan." Again, according to the FONSI, the USFS analyzed three alternatives: Alternative 1 (Winter Sheep Grazing), Alternative 2 (Conversion to Cattle Grazing), and Alternative 3 (No Grazing). Ultimately, however, the Forest Service has decided to implement Alternative 2.

In its prior Scoping Comments (incorporated by reference) the State extensively outlined the benefits of federal land grazing in the State of Utah. As such, in its Scoping Comments, the State supported both Alternatives 1 and 2. The State supports agriculture (particularly the livestock sector and grazing on federal public lands) in part because it plays a key economic role in the State. For example, in Utah, agricultural employment constitutes 1 percent of all jobs in the State (compared to 1.3 percent nationwide) and produces over $2,085,535,000 in cash receipts per year. Of the total agricultural cash receipts, the sale of cattle and calves account for $377,979,000. These dollar amounts underscore the importance that agriculture, and particularly livestock grazing, plays in the Utah economy. More specifically, public land grazing plays a large role in ensuring the vitality of Utah's livestock grazing industry.

The Utah State Resource Management Plan ("SRMP"), recognizes and supports the responsible use of the public land for livestock grazing as an integral part of Utah's agricultural economy. Similarly, the Utah SRMP views livestock grazing as a critical tool to better manage public land and reduce fuel loads - mimicking the benefits of historic fire regimes that cleared old vegetation to enhance the growth of grasses and forbs. With urbanization continually swallowing available agricultural land within the state, livestock grazing on federally administered lands becomes even more important to agriculture in the State. Of the 45 million acres of grazing lands within the State of Utah, 73 percent is federally owned, 9 percent is state-owned, and 18 percent is privately owned. In short, the federal government plays an oversized role in ensuring the continued success of livestock grazing in Utah. However, the State is concerned given the fact that in Utah, "grazing has declined on BLM lands by more than 66 percent and on Forest Service lands about 50 percent" over the course of the past century. Because "most livestock grazing in Utah occurs on federal lands," it's important that these lands remain available for grazers.

In addition to the large economic role it plays, livestock grazing has high potential to contribute to carbon sequestration through properly grazed landscapes. Grazing systems are used to control the time, timing, and intensity of grazing which results in the health of the rangeland and stores carbon. Grazed landscapes result in higher amounts of carbon being stored in the soil than ungrazed landscapes. Livestock grazing contributes to removing large amounts of carbon each year by grazed landscapes being able to use photosynthesis to store carbon in the soil and green plants. The removal of noxious and invasive weeds also contributes to landscapes being able to store more carbon. Livestock grazing is an effective management tool used to remove noxious and invasive weeds. Utilizing livestock grazing as a management tool is also significantly less expensive than other management options. Ultimately, using livestock grazing as a tool for carbon sequestration will benefit rural economies and communities.

Generally speaking, agricultural production, especially livestock grazing, is often falsely viewed in a negative way (especially in recent years and discussions surrounding climate change). Instead of looking for ways to terminate grazing, USDA should safeguard the agriculture industry and ensure that marketing and awareness are dedicated to the positive impacts of agriculture and livestock grazing. The agricultural industry is constantly attacked, and without future generations learning about, and engaging in, this industry, the health of the land, food, and many other products are at risk. Many people have a biased and inaccurate opinion of livestock grazing as a result of mere ignorance and lack of understanding of how livestock grazing contributes to the overall welfare by providing sufficient food. In addition to producing food and various products from livestock, grazing animals can be an important factor in maintaining balanced and diverse ecosystems (as well as providing key grassland availability for carbon sequestration).

Because of the economic and ecological benefits of federal land grazing, the State has adopted a "no-net-loss" of AUMs policy. It is with this information in mind that the State outlines its objection to the FONSI as put forth, as it does indeed result in a loss of AUMs. As such, the State revokes its overarching support as stated in its Scoping Comments, and at this time objects to the implementation of the FONSI's Alternative 2 as written.

1.The State Objects to the Implementation of Alternative 2 as it Violates the State's "No Net Loss of AUMs" Policy

The State's first objection is grounded in the State's policy of No-Net-Loss-Of-AUMs. As analyzed in the State's Scoping Comments:

"An AUM is the amount of air-dry forage a 1,000-pound cow and her un-weaned calf will consume (the 'Animal Unit') in one month. The AUM was developed in the mid-twentieth century when average cow weights were closer to 1,000 pounds than today's weights. Sources define an AUM as 750 pounds of forage needed for an animal unit for a month. These figures are based on the assumption a cow will consume 2.5 percent of her body weight equivalent in air dry forage daily."

The proportion consumed by a cow changes as forage quality changes. AUMs have been commonly standardized at 750 pounds of forage because a 1,000-pound cow consuming 2.5 percent of her body weight equivalent per day for a month is equal to about 750 pounds. For this bulletin, and with this history of AUMs in mind, we will define an AUM as equivalent to 750 pounds of dry forage (emphasis added)."

Because this definition is accepted by prevailing range management scientists, and because of common misconceptions about what exactly constitutes an "AUM", the State's comment letter utilizes this definition of an AUM as described by the University of Wyoming Extension publication quoted above, namely that an AUM is "the amount of air-dry forage a 1,000-pound cow and her un-weaned calf will consume in one month" and is the "equivalent to 750 pounds of dry forage."

In practice, the Bureau of Land Management uses the term "Animal Unit Month" or "AUM" as the measure of forage available for livestock grazing, while the U.S. Forest Service uses the term "Head Month" or "HM" to define the equivalent amount (according to the USFS grazing regulations "a head month is a month's use and occupancy of range by one animal, except for sheep or goats"). Thus, when the State refers to its policies and positions regarding AUMs, the same applies to HMs.

AUMs or HMs can be converted between different species by using what is known as "Animal Units" or "AUs" and "Animal Unit Equivalents" or "AUEs". In short, "Animal unit equivalents (AUE) have been developed to standardize grazing demand among different herbivore species. An AUE expresses the quantitative forage demand of a particular kind and class of animal relative to that of an animal unit, based primarily on metabolic bodyweight" Shown below in Table 1.

As you can see by the conversion rates for AUEs (below Table 1), one mature cow is the equivalent of one AU, while a mature sheep is the equivalent of 0.2 AUs. Thus, in practice, if a pasture has a carrying capacity of 100 AUMs/HMs, then a livestock producer could graze on that pasture either 100 cows for one month or 500 sheep for one month. Essentially, when converting available forage from cattle to sheep, the producer would simply multiply the number of cattle by 5, and this is the number of sheep sustainably supported by the same amount of forage.

The Forest Service does not use this exact method of AUE/HM computation across the herbivore spectrum, however, in terms of comparing sheep HMs with cattle HMs, the Forest Service regulations do state that "for fee purposes, 5 sheep or goats, weaned or adult, are equivalent to one cow, bull, steer, heifer, horse, or mule." Thus, in line with the above AUE analysis, for a direct conversion of cattle HMs to sheep HMs, a multiplier of 5 would derive the appropriate number of sheep from cattle (or a division by 5 if converting from sheep to cattle).

Table 1

Suggested Factors Describing Animal Unit Equivalents for Various Herbivores

Type of Herbivore	Animal Unit Equivalents
Mature Cow, Non-Lactating	1.0
Sheep, Mature, Non-Lactating	0.2
Ewe and Lamb Pair	0.3
Saddle Horse, Mature	1.25
Elk, Mature	0.65
Mule Deer, Mature	0.23
Whitetail Deer, Mature	0.17
Antelope, Mature	0.17

As mentioned, previously, the State has adopted a "no-net-loss" policy regarding livestock AUMs (and HMs) on federal grazing allotments. Here, "No Net Loss" means, "AUMs within the state remain at or above current levels unless a scientific need for temporary reduction is demonstrated to the satisfaction of state officials…in the case that AUMs are temporarily reduced, these reductions are reinstated at the earliest possible moment once vegetative health has been restored to its previous levels. While it is certainly necessary to temporarily reduce AUMs in certain situations, such as during extreme drought, it is imperative that temporary reductions do not become permanent (such as through permit retirement). As such, "the State does not support the permanent retirement of any grazing allotment" and "the state opposes the relinquishment or retirement of grazing animal unit months in favor of conservation, wildlife, and other uses." (emphasis added).

The "no-net-loss" of AUMs provisions cited remains the State's position. However, as of March 14, 2023, the State has adopted amendments and updates to the Utah State Resource Management Plan, including updates to its position on the no-net-loss of AUMs. Specifically, the updated Utah SRMP states on page 16, to-wit:

"Grazing allotment animal-unit months (AUMs) within the state should remain at or above current levels unless a scientific need for temporary reduction is demonstrated to the satisfaction of State of Utah officials.

In the case that AUMs are temporarily reduced, these reductions shall be reinstated at the earliest possible

moment once vegetative health has been restored to its previous levels" (emphasis added).
The updated SRMP further states on Page 105 that the State will:
"[a]dopt a stance of not only "no-net-loss" with regard to grazing AUMs/HMs on federal lands, but also a stance that supports expeditious return of all permitted AUMs/HMs to active status at the earliest opportunity.
Active AUMs/HMs within the state must remain at or above current levels unless a scientific need for temporary reduction is demonstrated to the satisfaction of state officials.
Employ strategic and targeted annual rangeland health evaluations as a tool for returning all permitted AUMs to active status as range conditions improve.
In the case that AUMs/HMs are temporarily reduced, these reductions are reinstated at the earliest possible moment once vegetation health has been restored to its previous levels" (emphasis added).
In addition to the State's adopted no-net-loss of AUMs policy, Sevier County has adopted very similar policies in its CRMP in regard to AUMs. These policies, are (in part) as follows:
*"AUMs within the county remain at or above current levels, unless a need for reduction is demonstrated to the satisfaction of the county."
*"The county opposes any loss of AUMs absent scientific proof of resource degradation."
*"Sevier County will be involved in the process for determining AUMs with federal agencies."
The Sevier County policies cited here are in lockstep with the State's position on the loss of AUMs/HMs, and the County's desired involvement in the process of determining AUMs is in lockstep with the Coordination/Consistency requirements extensively analyzed in the State's Scoping Comments (and incorporated by reference herein).
With this understanding of the State's No-Net-Loss of AUMs Policy revisited for greater understanding, the State can now turn to specifics of why the current FONSI violates this policy.
The State objects to the FONSI Alternative 2 because as proposed, it results in a net loss of HMs on the Flat Canyon Allotment. According to the FONSI, Alternative 1 allocates 2,687 sheep HMs, while Alternative 2 allocates 334 cattle HMs. Based on the AUE analysis contained herein, when converting available forage from sheep HMs to cattle HMs, the appropriate method would be to divide available sheep HMs by 5 to arrive at the AUE for cattle. Here, dividing 2,687 sheep HMs by 5 results in 537 cattle HMs. Yet, in Alternative 2 the Forest Service has proposed allocating only 334 cattle HMs - a difference of 203 HMs.
Again, an appropriate allocation of cattle HMs (if using the Forest Service's own AUE policies) would be 537 cattle HMs - not the 334 cattle HMs proposed in Alternative 2. As such, Alternative 2, as written, results in a net loss of 203 HMs, violating the State's no net loss policy.
The State acknowledges that the Forest Service conducted a "range suitability and capability" assessment as part of the FONSI, which considered "vegetation, slope, and distance from water" to determine how much of the allotment was actually suitable or usable by cattle vs. sheep. This assessment (presumably) resulted in the 334 HMs number, vs. the straight-across conversion of 537 HMs. However, the State is concerned that the Forest Service has reduced HMs by 203 based on its capability assessment, while in the same breath asserting that the range is more appropriate for cattle. If the range truly is more suitable for cattle, the question becomes, would this not result in more of the forage being usable, resulting in an increase of HMs, not a decrease? Instead of 334 HMs, the Forest Service should have allocated 537 HMs in Alternative 2. Range improvements should have been analyzed as part of this decision to address the reduction in livestock grazing. The Utah Grazing Improvement Program and other State funding organizations are dedicated to improving grazing opportunities on public lands, and are available where possible, to improve livestock distribution and watering sources to reduce or eliminate the need for reductions in HMs on the Flat Canyon Allotment.
As such, in line with the State and County policies expressed above, the State is supportive of keeping the Flat Canyon Allotment available for grazing (whether sheep or cattle). However, because the State and Sevier County both oppose any action that results in the permanent net loss of AUMs/HMs on the National Forest System Lands, Alternatives 2 and 3 are opposed by the State (as written in the FONSI) and the State objects to their implementation.
2.The State Objects to the Implementation of Alternative 2 as it Violates Sevier County's Policy of Involvement in the AUM Determination Process
As discussed above, related to the State's adopted no-net-loss of AUMs policy, Sevier County has adopted very

similar policies in its CRMP regarding AUMs. These policies are (in part) as follows:
*"AUMs within the county remain at or above current levels, unless a need for reduction is demonstrated to the satisfaction of the county."
*"The county opposes any loss of AUMs absent scientific proof of resource degradation."
*"Sevier County will be involved in the process for determining AUMs with federal agencies."
Here, the State's objection arises from the fact that the State's Scoping Comments outline the extensive requirements to coordinate with state and local land use plans. As noted here, Sevier County has a policy that it be "involved in the process for determining AUMs with federal agencies." Clearly, this involvement was never taken seriously, as neither the State nor Sevier County were ever involved in the process of determining HMs with the Forest Service as it put together the FONSI alternatives (particularly the reduction in Alternative 2).
As the State has already outlined herein, Alternative 2 results in a net loss of 203 HMs on the Flat Canyon Allotment. This net loss was imposed without the involvement of either the State or Sevier County, in violation of the above-cited RMP. As such, the State hereby objects to the implementation of Alternative 2.
3.The State Objects to the Implementation of Alternative 2 as it is Misleading to the Public
In its prior Scoping Comments, the State supported Alternatives 1 and 2, with slightly more support for Alternative 2, because the State was under the impression that there was no interest from local sheep producers in utilizing the Flat Canyon Allotment. This assertion is contained in the FONSI, which states:
"Due to the recognized challenges of grazing the allotment under the current management scenario, there were no parties interested in acquiring the permit. Thus, in 2019 the permit was waived without a preferred applicant."
This assertion is only partially true because prior to 2019 the sheep producer who held the permit to the Flat Canyon Allotment was Annabella Land and Livestock. In April 2019, Annabella Land and Livestock accepted payment from two wildlife-related non-governmental organizations, namely Sportsmen for Fish and Wildlife ("SFW") as well as the Utah Wild Sheep Foundation ("UWSF") presumably to purchase the allotment. However, unlike a typical purchase of a grazing allotment (i.e. base property and/or permitted livestock), where the seller waives the permit to the USFS in favor of the buyer as the applicant, Annabella Land and Livestock waived the permit back to the Forest Service without a preferred applicant after accepting payment.
It has recently come to the attention of the State that soon after said waiver without a preferred applicant, at least three different Utah sheep producers approached the Forest Service about utilizing the permit, and two submitted formal written applications, and both written applications were summarily denied.
As such, the State revokes its overarching support as stated in its Scoping Comments, and at this time objects to the implementation of the FONSI's Alternative 2, as it is misleading to the public to state that there were no sheep producers interested in acquiring the permit.
4.The State Objects to the Implementation of Alternative 2 as it Potentially Violates the State's Policy Against Relinquishing AUMs in Favor of Wildlife
As discussed above, related to the State's adopted no-net-loss of AUMs policy, the State also has a policy stating, "the State does not support the permanent retirement of any grazing allotment" and "the state opposes the relinquishment or retirement of grazing animal unit months in favor of conservation, wildlife, and other uses." (emphasis added).
Here, the State's objection is rooted in its position that it opposes the "relinquishment or retirement" of AUMs "in favor of conservation, wildlife, and other uses." It recently came to light that there were multiple entities interested in continuing to graze sheep on the allotment. The State is concerned that the reduction of available HMs in the Flat Canyon Allotment is being done "in favor of conservation, wildlife, and other uses."

5.The State Objects to the Implementation of Alternative 2 as the State is Concerned that the USFS Hasn't Properly Analyzed Alternative 2
As part of the USFS's justification for implementing Alternative 2, instead of Alternative 1, is the assertion the Flat Canyon Allotment is more suitable for cattle than for sheep. One of the assertions in this regard is that:
"The adjacent private land (base property for the permit holder) had been used when sheep needed to be moved off/on the allotment (with changing snow conditions) at different times throughout the authorized grazing season. This neighboring private property would no longer be available for trailing livestock to and from as was the case with the former permit holder. Sheep would have to be hauled, incurring additional infrastructure, trailing, and

expenses" (emphasis added).

This statement from the FONSI raises an important question. First, the USFS asserts that one of the reasons that the allotment is more suitable for cattle than sheep, is that to utilize the allotment "sheep would have to be hauled, incurring additional infrastructure, trailing, and expenses." This assertion is similar to another contained in the FONSI justifying the conversion from sheep to cattle stating there "no existing holding facilities" on the allotment, thus "temporary corrals may need to be constructed to load sheep onto trucks." While the lack of corrals for loading sheep, and the need to haul sheep are both listed as justifications for grazing cattle instead of sheep, the State is left confused as to why the USFS lists this as an issue for sheep but not for cattle. In fact, nowhere in the FONSI does it state that a concern for cattle is the lack of infrastructure (corrals), or the need to haul cattle to the allotment.

Here, the State is concerned that by analyzing the lack of corrals/infrastructure in Alternative 1, but not in Alternative 2, the USFS has failed to adequately analyze all aspects of the implementation of Alternative 2. Thus, the State at this time objects to the implementation of the FONSI's Alternative 2.

II.CONCLUSION

In short, I thank you for your consideration of the State's objection comments. The State looks forward to working with the USDA and the USFS as this project moves forward. Please contact the Utah Public Lands Policy Coordinating Office if you have questions, or if we can assist in any way, at the number or address below.