



**Western
Watersheds
Project**

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Working to protect and restore Western Watersheds

Forest Supervisor
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October 25, 2021

Forest Supervisor
599 West Price River Drive
Price, UT 84501

RE: FOREST PLAN SCOPING

Dear Forest Supervisor,

We have reviewed both the proposed forest plan as well as the conservation alternative. The conservation alternative fully complies with the planning regulations and best implements balanced management of the Forest now and into the future. The Forest's proposed plan fails in numerous areas to comply with the planning regulations.

“determine...the availability of lands and their suitability for resource management” (16 U.S.C. 1604(e)(2)).

The primary action authorized by the Forest that has the greatest impact and covers the greatest area and is the most poorly managed is livestock grazing. Yet the proposed plan fails to determine suitability, based on well known criteria such as those laid out in the R4 protocol, attached.

§ 219.10 Multiple use.

While meeting the requirements of §§ 219.8 and 219.9, the plan must provide for ecosystem services and multiple uses, including outdoor recreation, range, timber, watershed, wildlife, and fish, within Forest Service authority and the inherent capability of the plan area as follows:

But, again, this capability has not been laid out. What is current forage production? What is current ecological condition of grazed lands? What is a science-based harvest coefficient? What is the history of the Forest Service's efforts at managing its livestock grazing program? And as a result of these factors what area are capable and not capable for authorizing livestock?

(v) *Suitability of lands.* Specific lands within a plan area will be identified as suitable for various multiple uses or activities based on the desired conditions applicable to those lands. The

plan will also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands. The suitability of lands need not be identified for every use or activity. Suitability identifications may be made after consideration of historic uses and of issues that have arisen in the planning process. Every plan must identify those lands that are not suitable for timber production (§ 219.11). (36 CFR 219.7(e)(1)(v)).

Again, we see another set of requirements to determine suitability of lands within the planning area. This has not been done.

Plan components must be within the inherent capability of the plan area, Forest Service authority, and the fiscal capability of the unit (36 CFR 219.1(g)).

No information is provided regarding the inherent capability of the plan area or the budgetary capability, now or predicted to implement the Forest Plan.

Regarding species management, the 2012 planning regulations state:

The premise behind the coarse-filter approach is that native species evolved and adapted within the limits established by natural landforms, vegetation, and disturbance patterns prior to extensive human alteration. Maintaining or restoring ecological conditions similar to those under which native species have evolved therefore offers the best assurance against losses of biological diversity and maintains habitats for the vast majority of species in an area

Federal Register / Vol. 77, No. 68 / Monday, April 9, 2012 / Rules and Regulations at 21212

The proposed plan does not implement this. The few Standards and Guidelines contained in the proposed plan do not provide for similar ecological conditions to what the species evolved in.

A perfect example of this is the failure to provide for amphibian habitat. We provide extensive reviews of the Best Available Science (BAS) for these species, but the proposed plan fails to require ecological conditions similar to those that the species evolved under.

The final rule would further require additional, species-specific plan components, as a “fine-filter,” to provide for additional specific habitat needs or other ecological conditions of certain categories of species, when the responsible official determines those needs are not met through the coarse-filter. The species for which the rule requires fine filter plan components, when necessary, are federally listed threatened and endangered (T&E) species, proposed and candidate species, and species of conservation concern.

Ibid At 21212

Again, the proposed plan fails to provide any fine filter species requirements applicable

to the impacts currently occurring or easily predicted to continue occurring from authorized actions.

(1) *Required plan components.* Every plan must include the following plan components:

(i) *Desired conditions.* A desired condition is a description of specific social, economic, and/or ecological characteristics of the plan area, or a portion of the plan area, toward which management of the land and resources should be directed. Desired conditions must be described in terms that are specific enough to allow progress toward their achievement to be determined, but do not include completion dates.

(ii) *Objectives.* An objective is a concise, measurable, and time-specific statement of a desired rate of progress toward a desired condition or conditions. Objectives should be based on reasonably foreseeable budgets.

(iii) *Standards.* A standard is a mandatory constraint on project and activity decisionmaking, established to help achieve or maintain the desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.

(iv) *Guidelines.* A guideline is a constraint on project and activity decisionmaking that allows for departure from its terms, so long as the purpose of the guideline is met.

Desired conditions and objectives without Standards and Guidelines are like gears stripped of their teeth. They don't do anything.

As an example, the Forest Service defines:

Standards:1. Place design or operational constraints on projects and activities, or prohibit the Forest Service from authorizing certain types of projects or activities to help achieve or maintain desired conditions, to avoid undesirable effects, or to meet applicable legal requirements (see required topics for standards or guidelines in sec. 23, ex. 01 of this Handbook).

(§ 219.15(d)(3)). Guidelines are established to help achieve or maintain a desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.

The proposed plan does not implement Standards and Guidelines needed to achieve desired conditions or objectives, or to avoid undesirable effects or meet legal requirements.

Frequently what we found were Standards and Guidelines dealing with minor issues, yet no Standards and Guidelines for the vast majority of the impacts from a particular activity.

219.8 (a) *Ecological sustainability.* (1) *Ecosystem Integrity.* The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity,

Take, for instance, the impacts of livestock grazing on ecological sustainability and species habitats. The proposed plan fails to implement Standards and Guidelines applicable to a wide range of these impacts

(3) *Riparian areas.* (i) The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of riparian areas in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity,

There are no Standards for the management of riparian areas despite these areas being some of the most degraded areas on the Forest due to the Forest's century long failure to implement effective management of these areas.

There is no Standard to comply with state water quality standards. As worded, the proposed plan allows for violations of state water quality standards by authorized activities.

219.9 (a) *Ecosystem plan components.* (1) *Ecosystem integrity.* As required by § 219.8(a), the plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore their structure, function, composition, and connectivity.

(2) *Ecosystem diversity.* The plan must include plan components, including standards or guidelines, to maintain or restore the diversity of ecosystems and habitat types throughout the plan area. In doing so, the plan must include plan components to maintain or restore:

- (i) Key characteristics associated with terrestrial and aquatic ecosystem types;
- (ii) Rare aquatic and terrestrial plant and animal communities; and
- (iii) The diversity of native tree species similar to that existing in the plan area.

(b) *Additional, species-specific plan components.* (1) The responsible official shall determine whether or not the plan components required by paragraph (a) provide the ecological conditions necessary to: contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern within the plan area.

If the responsible official determines that the plan components required in paragraph (a) are insufficient to provide such ecological conditions, then additional, species-specific plan components, including standards or guidelines, must be included in the plan to provide such ecological conditions in the plan area.

Again, no Standards and Guidelines are provided for “key characteristics”.

1909.12_20 22.1 1. Objectives, desired conditions, standards, and guidelines must be written clearly and concisely in a way that allows for monitoring to test their effectiveness and verify assumptions on which they are based.

As an example here is a desired condition riparian zones:

Riparian areas meet the needs of resident aquatic species, terrestrial species, and migratory birds.

There are no Standards and Guidelines needed to implement or achieve this desired condition, provides no specifics as to what these “needs” are and thus, can not be monitored.

Another example is a Guideline:

Management activities, including but not limited to grazing, motorized use, and dispersed camping, should only occur when they cause minimal streambank vegetation loss and canopy cover loss.

How is “minimal” measured?

§ 219.3 Role of science in planning.

The responsible official shall use the best available scientific information to inform the planning process required by this subpart. In doing so, the responsible official shall determine what information is the most accurate, reliable, and relevant to the issues being considered. The responsible official shall document how the best available scientific information was used to inform the assessment, the plan decision, and the monitoring program as required in §§ 219.6(a)(3) and 219.14(a)(4). Such documentation must: identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered.

As attachments, we provide some BAS that needs to be implement into the Forest Plan

- 1) Trample - BT Alteration Implementation – Final – Literature review on streambank alteration impacts and limit implementation
- 2) Amphibian management:
 - a. DeLong_2015_ReviewAndAnalysisScienceForSpFrogA_V3 – Current BAS literature review on Sensitive amphibian species habitat needs
 - b. Amphibians_BridgerTeton_PowerPoint
 - c. 20140625AmphibianWorkshopAgendaPresentationsCombined Part1 1 2 and 3
 - d. Presentation_HerbRetentionForAmphibs_3-31-2021
- 3) Herbaceous vegetation management for wildlife needs
 - a. ZZ_C_AppendixA_WhyHerbSpeciesCompositionIsImporta
 - b. ZZ_B_ApplicabilityOfR4Watershed-protectionSpecies
 - c. ZZ_AdjToProposedActionForWildlife_2-20-2018
- 4) Grazing Management
 - a. Carter et al 2017 Upland Water and Rotational Grazing
 - b. Cattle Impacts to Water Quality in Sierra Nevada
 - c. Clary - Managing Grazing of Riparian Areas int_gtr263 HIGHLIGHTED
 - d. Compatibility of Grazing Systems with Fisheries - Platts1989

- e. Dobkin et al Riparian Recover (grazing)
- f. Duck Creek paper
- g. Final TR 1737-17 - copyright free version
- h. Final TR 1737-20 See highlighted sections
- i. Grazing and Riparian Management - Myers Undated –
- j. Grazing Impacts to Macroinverts - Herbst et al 2012
- k. Hart Mt - Removal of Livestock Increases Bird Density and Vegetation
- l. Hart Mt Riparian recovery - Batchelor et al 2015
- m. Impacts of Livestock Grazing on Fish and Wildlife in Riparian - Ohmart 1996
- n. Livestock Effects on Water Quality Bibliography
- o. Meyers, Fiske, Layhee. 2017. Pathogenic bacteria in streams on CA NF

Please contact me at (877) 746-3628 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan B Ratner". The signature is stylized with large, flowing loops and is positioned above the printed name.

Jonathan B Ratner
Director – Wyoming Office