Data Submitted (UTC 11): 4/17/2021 2:22:37 PM
First name: Brien
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Organization: Elder Creek Oak Sanctuary
Title: Secretary-Treasurer
Comments: Dear Forest Service,

I generally agree with the concerns raised by the group of persons (Smith, Christensen et. al.) who submitted a comment letter on 19 February, 2021. As I have some differences of belief, though, I will use that letter as a framework but change language to meet my understanding of the complex situation that grazing on public land can be.

These are comments on the proposed rangeland management directives accessed at the web address https://cara.ecosystem-management.org/Public/CommentInput?project=ORMS-2514, and noticed in the Federal Register of December 18, 2020, 85 Fed Reg 82432.

I am concerned that, based on the proposed directives, the Forest Service will give too much emphasis to livestock grazing without a comparable effort to limit impacts from this use of national forests and grasslands.

When providing opportunities for public comment on proposed Manual (FSM) and Handbook (FSH) sections. it would be helpful if the Forest Service provided the existing Manual and Handbook sections with the proposed changes, e. g., by denoting additions in colored text and highlighting deletions via strikethroughs. That way, reviewers can see exactly what changes are
proposed and focus any comments accordingly.

THE NEED FOR LIVESTOCK GRAZING ON NATIONAL FOREST SYSTEM LANDS

Grazing any kind of livestock on national forest lands will involve concentrated use of non-native species. These species, most typically cattle and sheep, did not evolve with the land and thus must be managed carefully to minimize impacts. Cattle, e.g., tend to congregate in riparian areas and can cause great damage to these areas which are very important for entire watersheds. Damage to streams and riparian communities is extensive. See, e.g.,
Belsky et al, 1999. In spite of this, the Forest Service sees a need to increase grazing on its system lands. Noting the decline in grazing use since the 1960s, proposed section 17.22 of FSH 2209.13 states:

"There are numerous cases where livestock grazing needs to be reinstated at increased levels across large landscapes to improve vegetative composition and seral stage to meet the needs of numerous resource programs and values."

This represents a strong bias within the agency toward approving livestock grazing, possibly at the expense of the many other uses of national forest land. That such grazing improves vegetation conditions, as a gerality, is a real stretch, as livestock grazing,, if not done VERY carefully, usually causes immense damage to native vegetation, soils, and water quality, and frequently helps spread noxious weeds. Poorly managed grazing also degrades and fragments wildlife habitat.

I don't speak just from reading scientific papers. I graze sheep on land that is both very degraded and generally intact and I have seen the benefits of grazing on the former and the damage of grazing on the latter. It takes a lot of time and effort to pull off grazing that benefits the land, especially where there is a hint of former ecological integrity left. I know most ranchers in the business cannot give this kind of attention to the land, so in general, I think there needs to be a vast reduction in the amount of public land used for economically-driven grazing.

There are examples aplenty of nomadic subsistence grazing being successful at aiding ecological diversity and soil building, mostly from Africa. While this is an impossibility in the USA at this time, there is no harm in suggesting that as the direction we need to go. It is the commodification of life that is the problem. Ask any intact indigenous culture.

Non-native plant species such as Kentucky bluegrass and orchardgrass have been sown in many areas of Colorado's rangelands to provide forage specifically for livestock. This is further introduction of non-native species, which displaces native vegetation and it would be dubious to consider it beneficial.

Due to many factors, livestock grazing on most national forests has declined over the last 50 years. Rather than go out of its way to restock allotments with non-native species, this provides a good opportunity for the Forest Service to let lands damaged by livestock grazing heal themselves. In science lingo, this would result in better composition, structure, and function of vegetation communities, and connectivity of habitats for native animals, fungi, plants and fishes.

The above-quoted statement from section 17.22 really needs to be deleted.

FSM section 2231, an objective is to:
"Provide opportunities that support the continued presence of working ranches and farms as they are necessary to maintain the open spaces that are needed for vistas, recreation opportunities, and to retain habitat and migration corridors for native species."

This is simple rhetoric, not rooted in tactile reality. Livestock grazing operations much more often hurt than help habitat for native wildlife. Fences, needed to keep animals from wandering off, are especially harmful to many of our animal kin. Livestock will also eat forage needed by wild animals such as elk. Livestock help spread noxious weeds, displacing native vegetation which would otherwise be forage for wild animals.

While retaining land in an open condition for livestock grazing may provide vistas, these vistas would also include the livestock and structures needed to support them. This is not desirable for recreationists, who would much rather see land in a predominantly natural condition.

The statement quoted above from FSM 2231 is inappropriate and should be deleted.

MAJOR OVERALL CONCERN - THE POWER GIVEN TO GRAZING
ASSOCIATIONS AND DISTRICTS

Throughout the proposed rangeland directives, the Forest Service, ratifying
existing practice, gives much administration authority to grazing associations and districts, which are private corporations, as these entities: are organized under State statutes for the purpose of cooperative management of permitted livestock and to administer the livestock grazing use distributed to its
members through association-issued permits.

FSM 2205 (This definition notes that these associations are sometimes referred to as grazing districts. I will use "associations" to describe these entities.)
Direction allows associations to set the upper limits of how many cattle, sheep, and/or other domestic grazing animals can graze any allotment for which they are permitted. FSH 2209.13, section 12.51a. This should be recognized as a conflict of interest, as a private corporation, the association, gets to determine how many animals its members can graze. This amounts to the agency abdicating its responsibility to manage the land and its resources, and to maintain a balance of uses on the national forest and grasslands as required by various

laws. The Bankhead-Jones Tenant Farm Act of 1937 ("B-J Act", 7 U. S. C. 1000 et seq. and 16 U. S. C. 551) gave the Department of Agriculture jurisdiction over certain formerly private lands that were severely affected during the extreme droughts and concomitant loss of topsoil in the 1930s. These lands were eventually transferred the Forest Service by DOA Secretarial order, as allowed under the B-J Act. They became known as the national grasslands in 1960. As such, they are subject to other laws that govern the national forest system, including the Multiple Use Sustained Yield Act.

Grazing associations are required to ensure their members comply with federal law and regulation, and with direction in land management plans. FSH 2209.13 section 22. They are even given the power to issue notice of non-compliance letters, which are "reserved for significant, serious, or repeat violations" of permit terms and conditions. FSH 2209.13 section 16.3. And amazingly, associations handle suspensions and cancellations of permits. Id. at 16.4; see also Id. at 23-Exhibit 01, E 18, and id. at 23-Exhibit 03, E 15.
Even more amazingly, the Forest Service relieves itself of the obligation to address violations of laws, regulations, and policies in areas of national forests and grasslands covered by a grazing agreement with an association:
Reserve the right (but not the obligation) to take appropriate administrative action or to prosecute any act or omission involving violations of Federal law, regulation, or Forest Service policies or procedures pertaining to livestock grazing on NFS lands including, but not limited to, excess and unauthorized use or noncompliance with the terms and conditions of this Agreement or the [rules of management].
Id. at 23-Exhibit 01 D (8) (for national grasslands) and 23-Exhibit 03 D (8) (for national forests in the western U. S.); emphasis added. In other words, the Forest Service is not required to ensure compliance with Federal laws and regulations when a permit is issued to a grazing association!

The agency apparently would not even have to keep records associated with grazing done under a grazing agreement with an association. One of the responsibilities of the respective association is to:
Maintain records related to the administration of livestock grazing activities
authorized by this Agreement that would otherwise be retained by the Forest Service if it were directly administering livestock grazing through Forest Service term grazing permits.
Id. at 23-Exhibit 01 at 22 and 23-Exhibit 03 at E 19.

As if to further ensure the associations totally control their own grazing administration:
Agency policy is that [] audits of [the records and work of grazing associations] are to be conducted at least once every five years and should include, at a minimum, a review of the association's accounting records and statements, collection procedures, use of fees, and LUP documentation. The association may retain an outside party to conduct the audit if the Forest Service does not have available expertise within the Agency, and all or a portion of the audit can be allowed as an administrative cost.
FSH 2209.13 section 25; emphasis added. See also FSM 2236. In other words, the association can audit itself and get reimbursed for it.

Under what authority does the Forest Service give its responsibility for grazing administration, including permit suspensions and cancellations, record keeping, and law enforcement, to grazing associations and districts? I see nothing in the B-J Act that allows this for the grasslands, and nothing anywhere that allows it for national forests. I strongly believe that the agency should fully administer any grazing permits issued for national forest land or national grasslands. Permittees and any associations representing them should be consulted, but the agency manages the land and thus should exercise full responsibility for how it is managed.

USE OF LIVESTOCK FOR FUEL REDUCTION

Under FSH 2209.13, section 36.3, livestock use permits (i. e., permits allowing holders to graze livestock for up

to one year, could be issued to create fuel breaks or to reduce fire hazards. This is generally not an appropriate practice. Grazing would reduce fuels, but not the continuity of fuel, thus a fire could still spread after grazing. To reduce the connectivity of fuel, stock would have to be allowed to eat complete plants (where that is possible, as with domestic sheep), or otherwise destroy vegetation, e. g., via trampling. In other words, areas denuded of vegetation would have to be created to reduce the possibility of fire spread. Such grazing use, especially if done over a large area, would be very detrimental to soils and probably also to water quality of nearby waterbodies.

Fires in rangeland vegetation mostly consisting of grasses, forbs, and shrubs would normally be low intensity, i. e., fires that would usually be beneficial by recycling nutrients and providing better growth at the start of the following growing season. The exception would be areas with cheatgrass, a non-native grass species spread by cattle. Areas where the vegetation is dominated
by cheatgrass burn readily, and when they do, the sites revegetate even more heavily to cheatgrass, making them even more prone to fire.

Under FSH 2209.13, section 86, grazing could be allowed without charge
where the purpose of grazing is:
1. Vegetation manipulation to meet resource objectives. The most common examples might be to control competing vegetation for timber regeneration, or to control noxious weeds or other invasive species.

The first example stated above is also not a good idea. Grazing to remove vegetation that might compete with tree regeneration would result in soil compaction from the livestock traversing the land. This would inhibit or prevent seeds from germinating and poking through the compacted soil surface.
Domestic animal grazing can reduce noxious weed coverage, as horses like to eat thistles, and domestic sheep will consume leafy spurge. However, the animals could excrete the seeds of these plants, spreading the weed coverage even if the number of plants on grazed sites is decreased.

CONCLUSION

The Forest Service's directives must contain clear direction that will help ensure that rangelands are revered for who they are, and allowed to be in harmony with their neighboring communities of life, as required by the Multiple Use Sustained Yield Act. Livestock grazing should only be permitted where it will: cause VERY minimal negative impacts to soil productivity, watershed integrity, and wildlife habitat. The capability of the land to handle grazing and the possible impacts to other potential uses must be the key determinants of how many domestic animals can be allowed to graze any area of land.

These directives must not contain any direction that favors livestock grazing over other possible needs, and they must reduce the authority given to grazing associations to administer grazing permits that should be issued and administered by the Forest Service. If allotments remain vacant for more than a few years, they should be considered for closure.

I appreciate this opportunity to comment. Please inform me if and when any of the proposed directives are approved.