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Working to protect and restore Western Watersheds and Wildlife

June 18, 2019

Kaibab National Forest
North Kaibab Ranger District
ATTN: Natasha Kline, Forest Biologist
800 South Sixth Street
Williams, Arizona 86046
Email: comments-southwestern-kaibab-north-kaibab@fs.fed.us

Sent via email this date

RE: HRWA Bison Management Improvements Project

Dear Ms. Kline,

The following comments are submitted on behalf of the members of Western Watersheds Project (WWP) who are concerned with the management of our public lands and how livestock grazing and management impacts those lands, specifically in the North Kaibab Ranger District of the Kaibab National Forest.

Purpose and Need

The purpose of project is to provide for the ongoing “needs” of the Arizona Game and Fish Department (AGFD) in establishing a herd of bison on the North Kaibab Ranger District. Proposed Action (PA) at 1. The AGFD has asked for authorization to improve infrastructure that will create new water developments, provide “additional access” for AGFD staff to maintain infrastructure and manage the bison and rebuild dilapidated infrastructure. *Id.* These requests make clear that AGFD is managing this herd of bison as livestock, rather than as a wild herd.

The Purpose and Need is described as helping the Kaibab National Forest meet Forest Plan Direction for bison, “a desired introduced wildlife species which specifies that bison should be concentrated within the designated HRWA, and that herd size should be in balance with ecological conditions.” *Id.* This seems to be in conflict with the AGFD desire to manage the bison herd as livestock, and in conflict with the long-term desire to hold the bison in the 4,000-acre pasture for only three years to

establish site fidelity. It is confusing how the stated Purpose and Need to meet Forest Plan direction will also meet the ongoing needs of the AGFD and we ask for clarification.

NEPA Violations

As the Forest Service is aware, “a categorical exclusion (CE) is a class of actions that a Federal agency has determined, after review by CEQ, do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an environmental impact statement is normally required.”¹ The Center on Environmental Quality (CEQ) has developed a comprehensive list of Federal agencies' CEs which is available online.² U.S. Forest Service CE section 220.6(a) states that a “proposed action may be categorically excluded from further analysis and documentation in an EIS or an EA *only if* there are no extraordinary circumstances related to the proposed action” *and if* the action is within one of the categories established by the Secretary at 7 C.F.R. part 1(b)(3) or if the action is listed within a category listed in section 220.6(d) and (e).³ Here, extraordinary circumstances exist and after a review of sections 220.6(d) and (e), WWP cannot find a category that fits this project. Therefore, the use of a Categorical Exclusion for this project is inappropriate.

Addressing the extraordinary circumstances: the project is in proximity to and overlapping with designated Wilderness areas, a recommended Wilderness area, the Grand Canyon National Park, the Grand Canyon Game Preserve, the Pediocactus Conservation Area, and is specifically managed for an introduced species that was historically present on the landscape (bison). The current management of bison could significantly negatively impact other species and special management areas. This project is at the request of the AGFD and “[f]ollowing the authorization of these immediate management action needs, AGFD may have additional requests or needs associated with management of the bison and the bison hunt within the HRWA. Any additional future actions or activities would be evaluated by the Forest Service in a separate environmental analysis in accordance with requirements of the National Environmental Policy Act (NEPA).” KNF Interested Party letter, May 21, 2019, at 1. This means there are likely to be ongoing, perpetual requests from AGFD to engage in additional management actions in this area and there will be future connected and cumulative actions. The combination of this long-term project with the specially protected lands and historic importance of the wildlife in this area preclude the use of a Categorical Exclusion.

The use of a Categorical Exclusion for the underground water tank

The installation of a 15,000 gallon underground water tank is a significant undertaking that has impacts to soils, vegetation, archaeological and cultural resources, and wildlife. This single aspect of the proposed project is enough to require the development of an EA. The Forest Service must analyze and disclose how the installation, use, maintenance, and refilling of this underground water tank will impact forest resources. Some of the questions WWP has, based on the very limited information available in the project documents include:

¹ <https://ceq.doe.gov/nepa-practice/categorical-exclusions.html>, last accessed June 6, 2019.

² https://ceq.doe.gov/docs/nepa-practice/CEQ_CE_List_2018-12-14.xlsx, last accessed June 6, 2019.

³ *Id.*

- What size is the water tank? We note that this type of information is provided for the NE water catchment and no explanation is provided as to why this information is not provided for the underground water tank.
- How will the water tank be filled? If so when and how often?
- What is the source of water for the tank? Ground water, surface water, purchased and trucked-in water and if so from what source? Is water being brought in from another watershed?
- What type of vegetation, wildlife, and cultural/archaeological surveys will be conducted prior to the installation of the water tank?
- How will this tank be disposed of when it is no longer necessary for bison management?

The use of a Categorical Exclusion to authorize ATVs on closed roads

The use of a Categorical Exclusion to authorize AGFD to use ATVs cross-country and to use FR 632C, currently designated as a closed road via the Kaibab National Forest Travel Management decision is inappropriate. Cross-country travel and use of this vehicle route was prohibited in the Travel Management Planning process. The specific reasons found in the project record for the closure of FR 632C should be disclosed in the NEPA documents for *this* project. The Forest Service apparently believes that allowing AGFD to travel cross-country and to use this closed vehicle route is consistent with the Travel Management Rule because this closure is authorized through a new NEPA decision to be reviewed/renewed annually until bison are released from the 4,000 acre pasture. KNF 2019 CatEx table, p. 1. However, the prohibition on cross-country travel and this road closure are more accurately described as closed *until* a NEPA process is conducted to determine whether or not to open this road.

The Categorical Exclusion category cited by the Forest Service, 36 C.F.R. 220.6(e)(9), does not apply in this situation and is not applicable to use of the road:

(e) *Categories of actions for which a project or case file and decision memo are required.* A supporting record is required and the decision to proceed must be documented in a decision memo for the categories of action in paragraphs (e)(1) through (17) of this section. As a minimum, the project or case file should include any records prepared, such as: The names of interested and affected people, groups, and agencies contacted; the determination that no extraordinary circumstances exist; a copy of the decision memo; and a list of the people notified of the decision. If the proposed action is approval of a land management plan, plan amendment, or plan revision, the plan approval document required by 36 CFR part 219 satisfies the decision memo requirements of this section.

(9) Implementation or modification of minor management practices to improve allotment condition or animal distribution when an allotment management plan is not yet in place. Examples include, but are not limited to:

- (i) Rebuilding a fence to improve animal distribution;
- (ii) Adding a stock watering facility to an existing water line; and
- (iii) Spot seeding native species of grass or applying lime to maintain forage condition.

Furthermore, the Forest Service cannot claim in this instance that “no extraordinary circumstances exist.” Clearly, the bison themselves and their management are an extraordinary circumstance, in addition to the proximity to sensitive species habitat, designated Wilderness areas, and the Grand Canyon National Park and Game Reserve.

Compliance with Kaibab National Forest Land and Resource Management Plan (LRMP)

HRWA and Bison

As we note above, the Proposed Action is described as necessary to ensure compliance with the Kaibab’s Forest Plan as regards bison management. However, no reference to a specific provision in the Forest Plan is provided.

The House Rock Wildlife Area is described in Chapter 3 of the LRMP as a Management Area at page 103. Management areas are generally described as having “been established for places on the Kaibab NF with a need for more specific management direction than the general Forest. They may be discrete or overlapping. Where there are apparent differences in plan direction, the finer, more restrictive guidance applies.” KNF 2014 LRMP at 95. Again, this special designation alone is enough to preclude the use of a Categorical Exclusion for this project. Additionally, specific to the HRWA, the LRMP further explains the significance of this area and its importance:

The bison herd has been present on the North Kaibab Ranger District for more than 100 years, and was specifically mentioned in legislation leading to the Grand Canyon Game Preserve. The State of Arizona owns and manages this free-ranging bison herd on the Kaibab NF through an agreement between the AGFD and the U.S. Forest Service.

Management Approach for the House Rock Wildlife Area

Coordination and cooperation between the Kaibab NF, AGFD, Grand Canyon National Park, and researchers will be needed to identify workable solutions for managing the bison, which are now spending much of their time in the remote forested areas of the Kaibab Plateau. Efforts to achieve the desired conditions will likely be implemented in phases with an initial emphasis on reducing the herd size and excluding them from Grand Canyon National Park. Strategies may include hunting and trapping, fencing, and herding.

KNF 2014 LRMP at 103. Not only is the management of bison a special consideration for both the AGFD and the Forest Service, but the species itself is of historical importance. Clearly, the use of a Categorical Exclusion is inappropriate and an EA must be developed.

Pediocactus

The project area includes the *Pediocactus* (also known as the Paradine or Kaibab plains cactus) Conservation Area. “In lieu of formal listing, an interagency conservation assessment and strategy was prepared for the Paradine plains cactus” and this area was “established to aid in managing this species.” KNF 2014 LRMP at 104. The LRMP clearly states the guidelines for the *Pediocactus* Conservation Area require that “[p]roject activities should include protective measures for the Paradine plains cactus. Any potentially ground-disturbing activities in the *Pediocactus* Conservation Area

should be evaluated, and protective measures should be implemented to minimize resource impacts.” LRMP at 104. Additionally, “motorized access should be restricted[,]” and “the character of this area is maintained by limiting access and managing threats.” *Id.*

It is unclear from the Proposed Action and associated maps whether any portion of the project area overlaps with the Pediocactus Conservation Area. Reviewing maps in the LRMP and comparing them with the project maps it appears that there is indeed overlap. However, this important issue is not addressed in the available project documents. Furthermore, there is no indication that the impact of the use of motorized vehicles on the Pediocactus was considered.

Recommended Wilderness Areas

The project area also includes a Recommended Wilderness area. The LRMP states Desired Conditions for this area:

- Recommended wilderness ***provides non-motorized and non-mechanized opportunities for primitive and unconfined recreation and contiguous wildlife habitat.*** Social encounters are infrequent and occur only with individuals or small parties.
- ***The environment is essentially unmodified.*** No services are provided and self-reliance is required. The naturally occurring scenery dominates the landscape. Manmade features are rare and use natural or complimentary materials. Some constructed features are present when needed to provide for public safety or resource protection.
- Enduring, high-quality wilderness values are maintained while providing for solitude and primitive, ***unconfined recreation experiences.***
- ***Natural processes are maintained within wilderness.*** Fires function in their natural ecological role.
- Wilderness areas have minimal to no nonnative, invasive species.

KNF 2014 LRMP at 95, emphasis added. The Guidelines for Recommended Wilderness Areas state:

- ***Activities should maintain or improve the wilderness character until such time as Congress acts on the recommended area,*** either making it designated wilderness or releasing it for other management.

Id. at 96, emphasis added. The Forest Service has not disclosed whether or how this project will affect the Wilderness character of the Recommended Wilderness area, whether motorized vehicle uses are proposed for the Recommended Wilderness area, nor whether fencing and water developments will be installed in this Recommended Wilderness area or how they will move this area toward the desired natural appearing primitive setting. This information must be disclosed and again makes clear that the use of a Categorical Exclusion is inappropriate.

Map of project area

We appreciate the Forest Service including a map of the project area. However, this map fails to show important ecological features such as the Pediocactus Conservation Area and designated or recommended Wilderness Areas, making it difficult to comment. WWP found this information in the

LRMP for the Kaibab National Forest, but this information was not mapped in the project documents and did not disclose the potential impacts. This information should have been provided to the public and must be analyzed by the Forest Service. Given that the Saddle Rock Wilderness Area, Saddle Rock Addition, and Pediocactus Conservation Area are in very close proximity to, or perhaps located within the project area, it is clear that ecological significance of these areas preclude the use of a Categorical Exclusion for this project. What is not clear is whether or not the Forest Service has adequately considered these aspects of the project.

The map of the project area shows a high road density and the project proposes to add more roads to this area. The Forest Service must disclose the road density of the project area as it current exists as well as the road density that will result from the proposed action.

General information regarding the impacts of roads can be found in the U.S. Forest Service Wildlife Specialist report from the Travel Management Planning decision and the Forest Service should consult that document for this project.

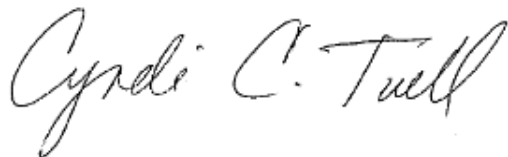
Additional Recommendations

We are concerned about the use of ATVs for cross-country travel for fence repair. We recommend the Forest Service require the AGFD to survey any areas where ATVs will be driven for sensitive species of plants and animals prior to the use of any ATV off designated vehicle routes. The Forest Service should also require a maximum speed limit to ensure that wildlife will not be harmed by the use of ATVs off designated routes.

Conclusion

We strongly encourage the Forest Service to develop an environmental analysis to analyze the impacts of this project in light of the important resources found in the project area. We look forward to reviewing the next step in this NEPA process for this project and request that we remain on the project mailing list as an interested party.

Sincerely,

A handwritten signature in cursive script that reads "Cyndi C. Tuell". The signature is written in dark ink and is positioned above the printed name and contact information.

Cyndi C. Tuell
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