STATE OF IDAHO

DEPARTMENT OF AGRICULTURE

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Governor

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Director

May 10, 2004

Kurt Johnson
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RE: Draft Environmental Impact Statement, Fisher Creek, Smiley Creek, North Fork-Boulder Creek, and Baker Creek Sheep and Goat Grazing Allotments (North Sheep Allotments).

Dear Mr. Johnson,

We appreciate the opportunity to review and comment on the Draft Environmental Impact Statement for the Fisher Creek, Smiley Creek, North Fork-Boulder Creek, and Baker Creek Sheep and Goat Grazing Allotments, also referred to as the DEIS, North Sheep Allotments. Continued dedication to good rangeland management is critical to the sustainability of our rural communities in central Idaho and to the long-term viability of our natural resources. We have completed our review of the DEIS and have the following comments on the analysis and proposed actions.

General Presentation of the Analysis

The overall information contained within the DEIS is relatively complete, given the availability of the references cited, but those references are not provided as part of the DEIS nor are they available at any of the offices that administer these allotments. The information is very difficult to follow with multiple referencing within and among different chapters. The overall flow of information needs to be assessed and rearranged to allow the reader to be able to capture the thought process of the analysis team.

Purpose and Need

Introduction and Background, (pp1-4).

The DEIS points out that since the late 1800's rangelands in the Stanley Basin and the upper Big Wood River drainage have provided summer grazing for bands of sheep, and that since 1907, sheep numbers have been reduced from a recorded high of 364,000 to the current permitted use of approximately 24,900. A 93% reduction. The DEIS also states that past overgrazing has left its mark on the Sawtooth National Forest (SNF). The analysis conducted in the DEIS should be focused on current rangeland conditions resulting from the current range management practices. The reductions that have occurred over the last century have in-fact allowed the resource to recover significantly, and make continued progress toward achieving full Potential Natural Community (PNC) vegetative status. This should be acknowledged in the DEIS.

Chapter 2: Alternatives

2.1 Alternative Formulation Process, (pp2-1).

This section states; "As a result, alternative development centered on limiting the amount and location of grazing to protect the natural resource base, with emphasis on the areas and resources most important to recreationists and fisheries." This statement and the additional references to "Potential Effects regarding recreation" demonstrate that this analysis was aimed at reducing grazing from the start. Not only is this management by supposition, but also is clearly not management for multiple use. The overall intent of the National Forest Management Act (NFMA) is to ensure that multiple-use is maintained. As is stated in "Overview of Forest Planning and Project Level Decision-Making", http://www.fs.fed.us/emc/nfma/includes/overview.pdf, pp.22, paragraph 8, Multiple-use Sustained-yield Mandate, "National Forest System lands are managed under a

Congressional multiple-use and sustained-yield mandate." It further states, "The national forests, unlike national parks, are not wholly dedicated to recreation and environmental values." Multiple references and court rulings cited in this paragraph state that the national forest system lands are to be managed and maintained in a multiple-use sustained-yield manor. The Congress and courts have been very clear on the fact that multiple-use must be maintained and that single-use management, as attempted in this analysis, is contrary to the intent of the NFMA. In light of these facts we strongly suggest the planning team review the multiple-use criteria and develop an additional alternative to provide for true multiple-use.

2.2.2 Alternative B – Proposed Action, (pp.2-2).

In the stated elements of the proposed action Adams Gulch will be closed to livestock grazing due to potential recreation/livestock conflicts. Avoidance of recreation/livestock conflicts is a desirable goal and one that should be pursued. However, actions taken to reduce or minimized conflicts with recreation interests must be balanced with the needs of the livestock permittee. Particularly when separate reports and comments cited in the DEIS clearly state most of the adverse impacts in Adams Gulch are associated with recreation and livestock grazing is generally not impacting the drainage. Not only do these comments make the closure of Adams Gulch unwarranted but they also will cause unnecessary loss of forage within the Baker Creek allotment.

Recognizing there may be a need to alter the timing and/or intensity of livestock use within this area, total closure will limit the management options for both Forest Service and the permittee. While the area is a prime spring and early summer recreation area for the local populous, fall use, as stated in the DEIS is dramatically reduced. Maintaining grazing in this area, even if it is on a rotation or seasonal use basis, has several advantages. Maintaining access to the Adams Gulch area will reduce pressure on other portions of the allotment and allow for the permittee to maintain a much needed forage base for his overall operation. The same issue is relevant for the total closure of select high-elevation areas. These areas, while sensitive in nature, do provide critical trailing routes essential to maintaining viable grazing rotations in the other parts of the allotments; they also provide some areas of quality grazing. The use of the term "closure" for grazing will cause undue hardship on the permittee as well as misunderstandings with the public when they see sheep in a "Closed Area". We suggest labeling these areas as "Restricted" or "Limited" grazing areas.

2.2.2.1 Adaptive Management Strategy, (pp.2-2).

As stated in the definition, Adaptive Management should include: 1. clearly defined and achievable objectives; 2. on-going monitoring must be established and maintained; and, 3. the flexibility to alter management to achieve the desired result. The use of total closures effectively eliminates the flexibility of the Forest Service to use prescriptive grazing for resource enhancement in the future. The only difference between what has been happening with the Annual Operating Instructions (AOI) of recent years and the current proposal is that the monitoring requirement has been enhanced. To be most effective, desired future conditions and monitoring plans must be developed, however, as per personal conversation with the range staff from both districts this has yet to be done. This detailed plan needs to be developed in cooperation with the affected permittees and included in the final EIS and decision document.

For Adaptive Management to be truly effective, resource issues and conflicts with recreationalist must be clearly defined. Example: Guard dogs are intimidating hikers when they approach bands of sheep. Here the conflict is specifically defined and a solution can be developed. Merely stating there are conflicts between recreationalists and sheep is too vague, not allowing a complete analysis of the situation and subsequent development of effective mitigating measures.

2.2.2.2 Closure of Adams Gulch; & 2.2.2.3 Closure of Select High-Elevation Areas to Grazing, (pp.2-11 - 2-12).

As stated above the flexibility of Adaptive Management needs to be maintained and the total closure of these areas needs to be eliminated. Additional mitigation measures should be included to address the terms of periodic use, or physical occupation of both areas.

2.2.2.4 Use of Temporary Corrals To Avoid Unnecessary Trailing, (pp.2-12).

While the use of temporary corrals to avoid unnecessary trailing is a good practice and one that will eliminate the repeated annual use of certain areas, the existing corrals have and still do function as good shipping facilities during years when the rotations place the sheep in their vicinity. Many of these structures are also identified as historic sites and should be maintained in good working order to preserve the historical features of the area. The total elimination of use at these facilities would lead to their degradation and eventually necessitate removal. This action would be contrary to both the Organic Act of the SNRA as well as the direction given in the revised Sawtooth National Forest Land and Resource Management Plan (Revised FLRMP) regarding historic sites. The Forest Service should maintain the flexibility to utilize these facilities periodically while providing for alternate temporary sites as required by the rotation of the sheep through the allotments.

2.2.4 Mitigation Measures, (pp. 2-13 – 2-15).

Fisheries Resources mitigation measure #1 states that the measures are to be maintained until it is determined that Smiley Creek and its RCA are functioning appropriately or nearly so in regard to indicators substantially impaired by sheep grazing, but it fails to identify those indicators. This statement is vague and not consistent with the current terminology accepted by the range management profession. The final EIS needs to identify the indicators and clearly specify how the "appropriate" or desired functionality to be achieved. This will allow the permittee and the managing authority to share common goals and avoid potential misunderstanding with each other and the concerned public.

<u>#5. Post signs at trailheads during the grazing season</u>: Who is responsible for posting and maintaining these signs? Are they to be removed after the sheep leave the trailhead area annually, or will they be permanent? The Idaho Rangeland Resources Commission (IRRC) has been working on developing informational signs for use at the trailheads and other high-use recreation areas. We recommend that the affected districts, and the Forest as a whole, coordinate with the IRRC to use the signs they have developed.

<u>#11. Avoid sheep bedding and nooning in mule deer and elk calving areas</u>: Where are these areas? Does this only mean in active fawning/calving periods? The Forest Service must better define this mitigation measure to include the maps, as specified by the Idaho Department of Fish and Game (IDF&G), and alternate areas in the same locale as the rotation allows.

2.4 Comparison of Alternatives, (pp.2-16 – 2-25).

This section is well written and the information flow is easy to follow, but there are critical shortfalls in the information presented. The lack of any comparison of grazing capacity between alternatives is a glaring oversight. Nowhere in the entire EIS was there a single table or consolidated reference to the impacts the alternatives would have on the number of head months or usable acres of a given allotment. The final EIS must include this type of specific information in the comparison portion. This will alleviate the need to reference and cross check between chapters for this pertinent data.

The comparisons also fail to truly analyze the impacts associated with implementation of the preferred alternative. It implies that with the implementation of the preferred alternative all goals objectives and standards will be met and everything will run as projected. However, implementation and effectiveness monitoring have proven repeatedly that there will be need for change over time. The comparison should include reference to the requirement for change and the fact that this change will not happen automatically. A statement such as "the proposed action would meet all objectives…" is too vague and should not be used. The commonly used phrase "The proposed action is anticipated to comply with…" is more realistic and any reference to absolute compliance should be avoided.

The objectives, standards, and guidelines not being met by each alternative are neither clearly identified nor included in Appendix B. Such objectives as VEGO01, VEGO02, and VEGO03 are not included in the appendix nor do they closely resemble those listed. These are just a few examples and not a complete list of references that have been omitted or inappropriately cited. The Forest Service must conduct a thorough review of the references used to ensure total compatibility with those listed in the appendix.

2.4.5 Recreation (pp.2-21).

Under the assessment of Alternative C (grazing phase-out) it is stated that ending grazing would ensure consistency with Standard 0202 for the SNRA. This is inconsistent with the stated purpose of the recreation area where the historic use of the analysis area has been for grazing and other consumptive uses. Discontinuance of grazing is in direct conflict with the nature of the SNRA Organic Act and the overall intent of congress in designating this Recreation Area, and the direction given in the Revised FLRMP.

2.4.6 Vegetation Resources (pp.2-21 – 2-23).

The stated Desired Future Conditions (DFC) of the vegetative communities contained within the allotments has been and will continue to be managed for under any of the current alternatives or those that may be developed in the Final EIS. Specific management actions to meet these objectives have been covered under the AOI's in the recent past. The only change will be the verbage used to ensure compliance with the terms and conditions specified in the AOI. Based on the last five years AOI's the areas of concern identified within the DEIS have been avoided or lightly used and the stipulations for once-over grazing and one time/one night bedding have been required. This fact should be recognized under the current conditions or No-Action alternative impacts.

<u>Chapter 3. Affected Environment</u>

3.2 Rangeland Resources (pp.3-1).

The issue regarding the alternatives affecting the functionality of grazing operations on the allotments, as identified in the scoping process and internal agency review is only a portion of the total impacts these alternatives have. As stated in several other sections of this analysis, the decisions made as a result of this EIS will affect the entire operation of the permittees involved. This includes the families of the permittees, the employees of the permittees and their families, as well as the residual economic and social effects on the surrounding communities. The Forest Service must more closely evaluate the consequences of this decision and continue to work with the permittees to ensure the decision will allow for sustained operation.

3.2.2 Grazing Functionality (pp.3-3 – 3-7)

As stated in the introductory sentence in this section, "Since historic settlement of the area livestock grazing has been an integral activity". It is also stated that livestock grazing is viewed as one of the multiple uses appropriate for the area. These statements illustrate the significance of grazing within the area and we encourage the Forest Service to maintain the current level of livestock grazing that has been permitted in the recent past.

The individual allotment sections are presented well and each give specific areas of concern. With the use of adaptive management, prescriptive grazing, and a little coordination, the areas of concern can be avoided or mitigation measures developed to ensure that the overall operation of the permittees does not suffer adverse effects.

3.3 Soil and Watershed Resources (pp.3-8 – 3-30)

The information contained within the Soil and Watershed Resources section provides a good overview of the allotment. The soils information appears consistent with the mitigation measures identified in the current AOIs and in the management that has occurred over the last few years. The fact that only one portion of one drainage is included on the Idaho Department of Environmental Quality (IDEQ) Integrated 303(d)/305(b) Report indicates that the management of the grazing is not having a significant effect on the quality of water within the allotments. The one segment that is currently listed as quality impaired is listed for unknown reasons based on limited monitoring data. It is also stated in several portions of the individual stream subsections that there are localized areas of concern. Many of those areas identify roads, recreation, and other human uses as significant contributors to the lack of functionality of the streams. As each area is assessed and monitored, only those impacts directly resulting from sheep grazing should be considered when contemplating changes of grazing

permits. The cumulative impacts of all activities, while a true and real concern for the Forest Service, should not be born only by the livestock permittee.

3.5.3 Grazing in Today's Culture

The Trailing of the Sheep Festival, which celebrates the heritage of the area, is a well-recognized and heavily publicized event. Annually, significant numbers of people travel to the Wood River Valley to participate in the festivities and learn more about the culture and history of this unique area. The range sheep industry is the cornerstone of this event. With the continued growth of this celebration since its inception, the Forest Service should be able to offset the few complaints received from dispersed recreationists in support of the masses of people that attend this celebration as part of their recreational experience. The ID team must fully analyze the entire recreation spectrum with regard to the sheep operations before overstating the recreation/livestock conflicts.

3.6 Recreation

The statement "outdoor recreation is the primary use of the SNRA and the Ketchum Ranger District", is misleading and incorrect. While the SNRA Organic Act and subsequent court rulings are very specific that this area is to be managed primarily for recreation, the remainder of the SNF, including the Ketchum Ranger District is required to be managed for multiple-use.

The emphasis of management of the area, while unarguably directed at maximizing recreation opportunity, does not necessarily result in that activity being the most widespread use. The purported large numbers of recreation/livestock conflicts are unsubstantiated by documentation in the allotment files and are largely overstated, and isolated events. Upon questioning office personnel it was estimated that the Ketchum Ranger District received approximately 15 calls or letters registering complaints about livestock impacting their recreational activity. After reviewing the files of permits affected by the DEIS; only 10 complaints were filed by recreationists dating back to 1994. While these figures may illustrate that not everyone is pleased that sheep are using the area they wish to recreate in, they certainly do not support the portrayed scope of the problem.

The permittees have expressed a desire to alleviate conflicts between guard dogs and recreationists including posting signs on trails notifying people of the presence of sheep, or even removing the guard dogs when they are in particularly heavily recreated areas. Permittees have been placed in an awkward position. They are required to use the large and relative aggressive breeds to discourage depredation losses to predators, particularly wolves, but then are punished for the presence of these dogs when a small number of complaints are registered. We strongly encourage the Forest Service to increase efforts to work collaboratively with permittees and other interest groups to improve education, and develop alternate means of mitigation to avoid future problems. Simply closing the areas to grazing is unacceptable.

It is also stated in the recreation resources section, page 3-52, "The high level of recreational use has raised concerns that it may be compromising the quality of the recreational experience and creating environmental impacts." Impacts associated with recreation need to be specifically address and not mitigated for at the expense of the livestock permittee.

The use of livestock handling facilities by recreationists to house recreational stock is a common practice. This beneficial use is not specifically recognized in the DEIS, but should be considered while evaluating the total impacts to recreation.

There is no contention that when sheep are trailed across an area multiple times in the same year that there may be noticeable impacts to the vegetation of that area. The use of portable corrals will alleviate these concerns during years when they are in use and will move the impacts to more remote, less desirable camping locations within the allotments. Many instances of livestock getting into recreational facilities have been incidental and corrected by the permittees and herders prior to the Forest Service being contacted by recreationists. Recognition of these actions should be credited to the permittee rather than them just being criticized.

3.7 Vegetation (pp.3-59 – 3-64).

The analysis of the vegetative communities is a good representation of the types present within the allotments. The vegetative aspects are spelled out and give a general guide for the DFC when it is present, but there are several references to a Revised Monitoring Plan that doesn't exist yet, (pp.3-60, 3-62, 3-63), and in the case of the Riparian DFC it doesn't even specify what the DFC is, (3-62). There is also a complete lack of any DFC discussion with regards to Sagebrush Steppe, (3-64). This is a critical oversight in the analysis of the affected environment because it is supposed to specify the goals that need to be met by the Adaptive Management Strategy. Without the specific DFC it is impossible to make recommendations for improvement or even evaluate the appropriateness of the vegetation management. The Forest Service must complete the DFCs and Revised Monitoring Plan, or at least specify whom, when, and how they will be developed prior to the next draft of this EIS and ensure that these critical aspects of planning are coordinated with the permittees prior to implementation.

3.7.3 Noxious Weeds, (3-71 – 3-73).

The noxious weed information identified is appropriate for the evaluation of grazing on these allotments, with the exception of the acknowledgement of the use of grazing as a biological control agent. While the Forest Service feels that the recent efforts to control and contain weeds within the area have been fairly successful, there are still tools that are widely recognized in the fight against noxious weeds that are not being implemented, or at the very least acknowledged, in this assessment. We recognize that this is not a full noxious weed control plan, but we recommend that the Forest Service include the use of prescriptive grazing as one of the tools used in the continued control and containment efforts.

<u>Chapter 4: Environmental Consequences</u>

4.1.1.1 Weed Control Efforts

The Idaho Department of Agriculture is very supportive of the Forest Service's noxious weed control efforts. We would like to commend the SNF on your efforts to proactively fight the establishment and spread of listed noxious weeds and other undesirable plant species and strongly encourage continued allocation of resources to this effort. We would like to point out that one of the tools we have for effective noxious weeds control and prevention of establishment of new infestations is early detection. With the presence of livestock on a grazing allotment, in this case sheep, people are continually checking on, herding, and otherwise attending the animals. These resource-oriented people can be one of the greatest assets the Forest has in early detection and even spot treatment of noxious weeds and undesired plants. With the closure of areas to grazing it significantly reduces the amount of monitoring that occurs in these, usually very remote, areas. We encourage the continued use of these areas, even on a limited basis, for prescriptive grazing and increased coordination with the permittees and herders to assist in the detection and eradication of new weed infestations. We also encourage and will assist the Forest Service to provide identification materials to those people who are on the ground the most.

4.1.1.3 Increasing Recreational Use of the Allotments.

It is noted that the increased recreational use of the SNF is creating new and possibly unanticipated conflicts between recreational activities and conventional uses. While this is an ever-increasing demand placed on the forests of the west, we maintain the need to continue along the Multiple-Use management path. We are pleased to see that the SNF recognizes the impacts recreation has on the resources of our Forestlands and would like to stress the importance of ensuring the damages are attributed to the rightful causes. We would also like to point out that while not all recreationists enjoy sharing the forest with livestock, many others do in-fact enjoy the cultural aspect of their presence as well as benefit from the improvements that are present and maintained due to the livestock permits on the forest. The Forest Service must include analysis of these beneficial impacts in your next draft of this EIS.

4.2 Rangeland Resources (pp.4-3 - 4-4).

"The proposed Action and alternatives could affect the functionality of grazing operations on these grazing allotments" is the stated issue. While this is fully correct, it only addresses a portion of the total affects that will occur to the permittees overall livestock operations. The economics of running a sheep operation have been increasingly difficult and are expected to continue to be so. The DEIS points out that "from an economic standpoint, it takes a certain band size in order to support a herder, livestock manager, and owner." and further states, "The minimum band size has been projected at about 800 head…" While pointing these facts out, adjustments are made to the Baker Creek allotment permit that would require the permittee to reduce the numbers of one band to well below the minimum economically sustainable size. As stated, "Reducing the band size to levels below 800 head would likely result in undue impacts to the ranching operation, thereby making it infeasible to graze the allotment." The Forest Service must reevaluate the reductions within the proposed alternative and utilize prescriptive grazing and additional mitigation measures that would avoid the reduction of this band below economically sustainable levels.

4.2.2.2.2 Smiley Creek Allotment, (pp.4-6 – 4-8).

Several reasons are given to justify the limitation of forage availability within the allotment, resulting in a net reduction of "249 sheep months" from the previous permitted level. While these reasons may exist, there are several factors that have not been considered. The fact that the existing permittee has added two additional allotments to the original Smiley Creek Allotment, (Alturas Lake & Vat Creek) did not receive any consideration. Additionally, the local Range Management Specialist recently completed discussions with the permittee pointing out that he could and should stay on the allotment using more of the area above Alturas Lake. These two points indicate there is more forage available for use and a reduction is not justified. The Forest Service must reevaluate the available data and information and only make adjustments that are truly needed.

The closure of areas to grazing and total cessation of use of the Smiley Creek Corral has been discussed earlier and will not be restated.

4.2.2.2.4 Baker Creek Allotment, (pp.4-9 – 4-10).

Several issues of concern are associated with the proposed alternative within the Baker Creek Allotment. First and foremost is the total closure of prime forage producing areas due to a relatively small number of and poorly defined seasonal conflicts with recreationists. The reduction as defined within the proposed alternative would create a situation where the permittee would have a band smaller than is economically feasibility, as discussed in 4.2, Rangeland Resources. Secondly, labeling this area as "CLOSED" will send an incorrect message to the public that will result in complaints against the operator during trailing operations (see comments on 2.2.2, Alternative B, Proposed Action). And lastly, total or formal closure of an area to grazing severally limits the ability of the Forest Service to institute prescriptive grazing for resource protect in the future (see 2.2.2.1, Adaptive Management Strategy).

<u>Summary:</u>

There are several issues and recommended actions identified in these comments. In summary we would like to suggest a Revised Proposed Alternative for your consideration. This alternative is somewhat of a compromise of the No Action and the Proposed Alternatives. The following are recommendations to the Revised Proposed Alternative:

The Revised Proposed Action is to authorize grazing on the four allotment, set the stage for AMP revisions that will incorporate Revised FLRMP direction, and allow for permitted livestock grazing that meets or moves toward desired resource conditions. Elements of the Revised Proposed Action are as follows:

Implement an Adaptive Management Strategy for livestock grazing, initially maintaining current permitted grazing levels adjusted for timing and intensity identified in AOIs.

- Rather than “Close” Adams Gulch consider seasonal restrictions in times that would significantly reduce the likelihood of recreation/livestock conflicts (i.e. after Labor Day Weekend). Manage future grazing for prescriptive purposes as identified through the Adaptive Management Strategy.

- Rather than “Close”, “Restrict” use of select high-elevation areas containing sensitive land types to protect thin soils, fragile alpine plant life, and unique wildlife habitat and to reduce the potential for recreation/livestock conflicts. Utilization in these areas will be specified within the Adaptive Management Strategy for prescribed purposes identified in the AOIs.

- Utilize temporary corrals in addition to the current permanent sites. Annual requirements would be established through the Adaptive Management process and identified in the AOIs.

- The Forest Service should identify areas of high use where mitigating measures such as signing, or retaining guard dogs in camps can be employed to allow recreationists to adjust their activities to avoid potential conflicts with sheep grazing activities (i.e. slow down, look for sheep and dogs, and/or go around).

- Graze sensitive or high conflict areas in a manor that will minimize contact with recreationists, (i.e. graze Adams Gulch after Labor Day Weekend) and/or utilize more rapid grazing through management (faster than traditional, but longer than trailing).

- In select high use areas provide positive control of sheep to reduce impacts to trails. In identified areas grazing would occur to avoid crossing trails with the exception of moving to and from watering.

Again, we appreciate the opportunity to provide comments and suggestions to the DEIS. If there are any questions, please feel free to contact Bob Hales at (208) 525-7040, or Ken Crane at (208) 332-8566.

Sincerely

Dr. Clarence Siroky
Administer
Division of Animal Industries
ISDA