

RESPONSE TO COMMENTS - SALIDA AND LEADVILLE RAMP EA August 2008

The following comments were received in a group letter from Colorado Wild, Wild Connections, Rocky Mountain Chapter of Sierra Club, Great Old Broads For Wilderness, and Center For Native Ecosystems.

Comment 1. We commend the Forest Service for proposing intensive adaptive management in order to achieve desired resource conditions in the project area. We find the Adaptive Management Tool Box (EA at 28) and the project's Design Criteria (id. at 29-35) to be fairly strong. Implementation of these measures and careful monitoring to determine the need for specific management will be needed to address problems on all of the allotments, some of them rather severe.

Response 1. Thank you. Our intent is to make adaptive management work on each allotment to solve resource problems and improve the condition of the National Forest.

Comment 2. Implementation would require a coordinated effort among the Salida and Leadville Districts and the various resource specialists, plus a considerable amount of money to do the frequent monitoring and evaluation required. Will such money be available under current and expected budgets? The availability of money must be discussed in the final EA. This especially important because implementation of Alternative C or a similar alternative is necessary to achieve a finding of "not likely to adversely affect" for two threatened species, Mexican spotted owl and lynx.

Response 2. We believe that the money and time we need will be available. We cannot guarantee that it will be since Congress, not the Forest Service controls our budget. However, we do have some discretion in how we spend some of our funds. We recognize the importance of the monitoring we identified, and we will make every effort to ensure that it is accomplished. We're working with both permittees and organizations as partners to help with financing these improvements and monitoring. See the Chubb Park discussion on EA page 54 for one example of the partnership process working successfully.

Comment 3. We believe (t)hat alternative C, under which adaptive management would be implemented, or some variation, should be the selected alternative in the forthcoming decision notice.

Response 3. That is the alternative we are planning to select.

Comment 4. --keep livestock well distributed to avoid over-utilization of vegetation and soil damage. Except for pass-through grazing and watering, they should not be allowed to graze in wet areas.

Response 4. Our design criteria support this suggestion. We intend to make better use of the upland areas in each pasture, thus limiting riparian use.

Comment 5. --concentrate water sources outside of riparian and other frequently wet areas.

Response 5. A close read of the Range discussion will show that we plan to redevelop many of our water sources that are in riparian areas, and move the water to a stock tank in the uplands. Depending on the results of monitoring those sites, we may also work to limit cattle access to those riparian areas.

Comment 6. --reduce or prohibit grazing in areas with poor range condition and those in fair or worse condition with a downward trend for one or more seasons, as necessary to achieve the desired vegetation and other conditions.

Response 6. Design Criteria 3, using the Grazing Response Index to evaluate our management will help us heal poor range areas. Letting fair or poor condition areas rest for one or more seasons can certainly be part of the management mix, as shown in Design Criteria 24. Other design criteria such as allowable use criteria, or adaptive options such as the use of temporary or permanent fencing or relocation of water sources out of riparian areas are all focused on achieving improved riparian conditions.

Comment 7. --manage all allotments to achieve the potential natural community (PNC)¹ of vegetation where possible. In other areas, determine a desired plant community which includes as much native vegetation as possible, and manage grazing to establish this.

Response 7. Design Criteria 20, 25, 46, 47, 51, 56, 63, and 64 all support maintenance of, and reseeding with native vegetation, so they support the continuance of the potential natural community.

Comment 8. --require riders to be with stock most of the time the stock graze on national forest land. This is necessary for proper distribution of stock.

Response 8. Item 4 from our Adaptive Management Toolbox specifies using a rider on a defined frequency to move livestock. The frequency will be determined on a need-specific basis based on monitoring findings.

Comment 9. --manage all allotments to provide for survival and recovery of all threatened, endangered, sensitive species, and those proposed for such status to full viable populations.

Response 9. In chapter 3 of the EA, and in the specialist reports for Botany, Fisheries, and Wildlife we discuss how monitoring and adaptive management will help us take good care of the native ecosystems, thus providing the opportunity for TE&S species to recover. Wildlife habitat design criteria 38-59 further address TE&S recovery.

¹ Potential Natural community is roughly defined as the composition and structure or vegetation that would likely exist in the absence of repeated or persistent human manipulation, i. e., no fire suppression or motor vehicle use, little or no logging, and only incidental grazing by pack stock. We do not see the PNC concept mentioned in the EA.

Comment 10. While these are boilerplate-type standards, it is clear they have not been followed on most portions of the allotments in the project area. However, we are happy to see that the Forest recognizes the need for change (EA at 7). Diligently applying the Adaptive Management Tool Box and the project Design Criteria should help correct the problems and establish desired conditions.

Response 10. We agree that positive change through Adaptive Management should help us achieve our desired conditions on the ground. We are committed to seeing this change occur.

Comment 11. In all or most allotments: riparian area conditions need improvement. Water sources are badly needed outside of riparian areas. Infrastructure necessary to help ensure proper distribution of stock appears to be lacking or inadequate.

Response 11. Our intent in Design Criteria 7- 26 is to improve riparian areas where needed, by developing water sources in the uplands. Part of the Range analysis included identifying water sources in the riparian areas that need to be relocated out of the water influence zone. We also have other tools available as needed including riding and herding, fencing, modification of pasture or allotment configuration, and so forth. All of these are focused in large part on riparian health.

Comment 12. The Arkansas Cattle and Horse allotment appears to be in poor condition. It will need considerable attention to restore desirable conditions. Similarly, the Aspen Ridge Allotment has a myriad of problems, and needs immediate attention.

Response 12. Both of these allotments have problems in some areas as addressed in chapter 3. Through implementation of the proposed action and design criteria the problem sites will heal while we continue to graze livestock. We believe that the management and adaptive options that we have prescribed will be sufficient to achieve this recovery.

Comment 13. Livestock use on the Union Allotment should be phased out, and the allotment closed. Much of the allotment is above timberline, where the growing season is very short, and any damage to soils and vegetation takes a long time to heal. Slopes are steep in the Upper Pasture. EA at 58. At a minimum, the season should not extend until October 10, as it does now. EA at 60. That date is long after the growing season has ended. If livestock grazing is allowed to continue on this allotment, we recommend a that the season end no later than about September 10.

Response 13. This allotment is an integral part of the operation for the adjacent ranch. The prescribed late season, short-duration grazing in that part of the allotment, combined with site-specific allowable use criteria, is designed to take advantage of cured grasses, rather than impacting the grasses while they are still actively growing. We believe that this improvement in management and livestock will result in improved conditions at the higher elevations. If it does not, adaptive options can then provide for short or long term rest of the area as determined by monitoring to be needed.

Comment 14. Rewrite DC 1 to state: “Keep livestock well-distributed throughout suitable range to avoid over-utilization of forage.”

Response 14. We will rewrite DC1 to say “Keep livestock appropriately distributed throughout Suitable range.” We want to avoid over utilization in either riparian areas or uplands. One way of doing this is by making better use of available forage in currently underutilized uplands. many of our design criteria are focused to this end. See also item 4 from our adaptive mangagement tool box.

Comment 15. Rewrite DC 7 to state: “Manage livestock herds year-round to avoid concentrating use in riparian areas and other wet areas.”

Response 15. We will rewrite DC7 to say “Manage livestock herds to avoid concentrating use in riparian areas and other wet areas.” We left out “year-round” to avoid the impression that cattle graze on the allotments all year long.

Comment 16. Rewrite DC 8 to state: “Ensure that plants are able to set seed each year, either by not allowing grazing until seeds have been set or removing stock from an area while some seedheads remain.”

Response 16. We feel that the language in the original DC will allow for sufficient growth and/or regrowth and seed production in our forage plants. By implementing design criteria 6 and using GRI and other monitoring tools to evaluate our resources, we believe that we will accomplish this goal.

Comment 17. DC 15: Stock could damage tree regeneration that is three feet tall. In some such areas, like lodgepole pine, there would no forage under such a stand anyway because the stand would be too dense to allow growth of ground vegetation. We suggest making the height five feet instead of three feet.

Response 17. We will change the height from three feet to five feet.

Comment 18. DC 50: grazing should be deferred for more than one year after burning and otherwise creating openings in suitable lynx habitat. Treatment in lodgepole pine would often result in dense regeneration of lodgepole seedlings, which would eventually become good snowshoe hare winter habitat and thus good lynx forging habitat. However, allowing grazing to occur after just one growing season could destroy or damage any regeneration and prevent it from becoming lynx habitat. We recommend at least five years of no grazing after treatment in lynx habitat, with a greater length of time if necessary to adequately protect regeneration or other vegetation.

Response 18. We will rewrite DC50 using the language straight out of the LCAS. “Do not allow livestock use in openings created by fire or timber harvest that would delay successful regeneration of the shrub and tree components. Delay livestock use in post-fire and post-harvest created openings until successful regeneration of the shrub and tree components occurs.”

Comment 19. DC 58 and 59: grazing should be kept away from suitable but unoccupied boreal toad breeding sites, as well as occupied ones. Boreal toads will need additional breeding sites in order to recover to full viable populations. Potential breeding areas are likely to be perennially wet, and stock should be kept away from such areas in the first place.

Response 19. We will rewrite DC58 to say “known and adjacent potential sites”. The adjacent sites have the highest probability of supporting an expanding population, so we will extend our protective measures to them. We have some potential habitat that is many miles from the nearest known population, and restricting grazing in some of those areas based solely on them being potential habitat puts an unnecessary hardship on the permittee. Monitoring then will help us determine over time if additional habitats need to be covered by the design criteria.

Comment 20. Rewrite DC 59 to say: “Do not allow concentrated livestock use in alpine habitats.” (Emphasis added.)

Response 20. We will keep DC69 (the correct number) as it is currently worded. We may need to concentrate livestock for specific reasons, like moving the herd, and not allowing concentrated use may prohibit efficient gathering and moving.

Comment 21. We are surprised to find no design criteria addressing weeds, as livestock “can act as substantial vectors for invasive/noxious weeds”. EA at 75. One or more design criteria should be added, requiring: survey of existing grazed areas for weeds, thorough searches for weeds in any areas where structures (water tanks, fences, etc.) might be constructed, and eradication of any weed populations found.

Response 21. Please see page 23 of the EA. We tie to the PSICC noxious weed EA. This is an ongoing program specifically targeting weeds, including weeds associated with livestock use of the Forest.

Comment 22. We commend the Forest Service for proposing needed and intensive attention to allotments in less than satisfactory condition. However, the agency must demonstrate that it will be able to implement such an alternative, given current and expected budgets.

Response 22. The costs of implementing this range program were considered in the development of the alternatives. Congress controls how much funding we will receive, but we feel confident that by committing to using adaptive management, that will focus our fund needs toward better management on the ground. In addition, it is our expectation that not all adaptive actions will be needed. We have designed our starting management based on the expectation that implementing these actions will allow for adequate movement toward desired conditions. The adaptive options then are available if needed but it is likely that not all will be necessary. Therefore, the overall cost of implementation is expected to be lower than the possible maximum as evaluated.

Comment 23. If there is a possibility that such an alternative could not be implemented, the agency must demonstrate how adverse impacts to threatened and other rare species would be minimized.

Response 23. We have evaluated three alternatives in the EA. The effects of each are displayed for you. Our consultation with FWS is based on the selection of adaptive management. We see no good reason why we could not implement this preferred alternative.

Comment 24. The allotments in the worst condition should get the most immediate attention. Please consider postponing or limiting continued grazing on these allotments or parts of them for as long as necessary to achieve desired conditions.

Response 24. The allotments with problems are receiving due attention even as this EA is being developed and in fact have, for the most part, shown improvement over the past few years. By working with the permittees, we hope to achieve a longer lasting solution to some of the issues. We will focus our administration and monitoring efforts on those specific areas of concern as identified in this EA. Stocking level and or seasonal limitations are among the potential actions we can consider as indicated to be necessary by monitoring findings.

Comment 25. Fighting noxious weeds must be addressed in design criteria, and some other design criteria should be improved.

Response 25. Please see Response 21 above. We appreciate this concern and agree that invasive species are an important concern as dealt with in our noxious weed EA and decision.

The following comments were received from Jonathan Ratner of Western Watershed Project.

Comment 1. Adaptive Management can be a very useful tool in natural resource management. Unfortunately, as is the case in the current NEPA document, Adaptive Management is not being implemented in a meaningful and effective manner. The document continues a common problem of generalities, lack of clear objectives, and failure to provide time frames.

Response 1. We think our objectives are very clear - we believe that the document clearly shows our intent to manage livestock in a way that helps us achieve the desired conditions on the ground. The time frames are different for each problem we need to address.

Comment 2. A common Desired Condition is "manage for better distribution of the cattle" This is of course the fundamental issue of grazing domestic livestock and has it been a major problem ever since permittees stopped wanting to be cowboys. The statement is basically worthless fluff. The purpose of this NEPA process is to lay out exactly what that management for better distribution is as well as analyzing how effective those actions have been in the past. For instance, we have been building fences, water developments, pipelines, wells, tanks and other taxpayer funded trash on our public lands for a century so we have a long record as to the effectiveness of these actions yet this NEPA document, as all others developed by the Forest Service, fails to examine the effectiveness of these actions and just assumes as a given that even though these actions have been taken repeatedly for the last century and we still have major problems that now all of a sudden they will solve all our problems.

Response 2. We disagree that the statement is "worthless fluff" rather it provides emphasis and guidance to the use of a variety of tools designed to help achieve better distribution. A tool is most useful when the application is appropriate to the task. All of our developments have helped achieve better distribution. But there still exists a need to improve distribution in some pastures. The answer may involve more developments, it may involve management changes, it may involve both. That's why we are going to use adaptive management so we will have good monitoring and several options to use in achieving goals as appropriate to the specific situation.

Comment 3. Besides research it is a common experience that without the exclusion of livestock from riparian areas providing upland water rarely improves riparian conditions. Livestock utilize riparian areas for far more reasons than just access to drinking water.

Response 3. We agree in part. However, upland water development is a sound tool to help manage livestock time and duration in riparian areas that is supported by best available science. It is though only one tool. The management of riparian areas and attainment of improved distribution must be taken in the context of all tools that can be applied to help achieve the desired results. One tool, taken alone and out of context, will almost always appear to be insufficient to achieve the objectives. When it's appropriate we will exclude cattle from a specific riparian area.

Comment 4. My experience throughout the West has found that when upland water developments are installed the results of riparian area condition are negligible in any large sacrifice zones in the upland's are created in large rings of excessive utilization occur.

Response 4. Your sentence is unclear, but the gist of it seems to be concern for the lack of improvement in riparian management relative to upland water development and to the creation of a "sacrifice zone" around upland water sites. Our experience and best available science shows that upland water developments are a tool that can help to improve livestock distribution out of riparian areas, when applied in conjunction with other appropriate tools such as timing, intensity, or frequency design criteria. This is precisely what our adaptive alternative prescribes. In addition, our experience shows that the upland sites will bear the traffic better than riparian sites. Yes there will be some site impact associated with the tank, but the area affected is usually small and the impact relatively minor compared to the affected area around a tank in a riparian area.

Comment 5. Besides being fairly vague and general and lacking any time frames, the desired conditions are incredibly low bar in most cases. For instance what is the use of having a desired condition of only starting to move towards desired conditions?

Response 5. All our desired conditions reflect an end-state we want to achieve.

Comment 6. for the Mexican spotted owl the desired condition is "attain good to excellent range/habitat conditions within potential nesting roosting and forage areas and provide for their recruitment" while this fills space on the page and looks very nice it fails to provide any useful management yardstick that can actually be applied. What is excellent habitat condition? These habitat conditions must be defined with measurable parameters for each of these habitat needs in order to be of use at all. Further, time frames for the reaching of these desired conditions must be provided. Far too often these kinds of meaningless objectives are just a method to kick the can down the road for another 10 to 15 years until someone else's in the seat. This kind of lack of accountability is a sham of public land management.

Response 6. This statement of desired condition was taken directly from the Recovery Plan for the Mexican Spotted Owl, page 96 under Grazing Guidelines. This plan stands as the U.S. Fish and Wildlife Service's (FWS) recommendations to recover the owl throughout it's range. We have undergone section 7 consultation with the FWS and they have concurred with our determination for this species and rationale which is based on the best available science including goals and objectives in the Plan. As outlined in our Monitoring Plan and under Adaptive Management, we will monitor range conditions and take the necessary actions to move range conditions toward desired conditions and achieve these conditions in an acceptable time frame. The details for this issue are in the Biological Evaluation. Since the Deciding Officials have some knowledge of this issue it was not necessary to burden the EA with unneeded discussion.

Comment 7. Nearly each one of the allotments examined within this NEPA process have the same issues. Basically the problem is lack of control of livestock, permittee failure to abide by contract terms and conditions and the Forest Service's failure to hold permittees accountable for

their permit terms and conditions. These are the basic issues which need to be analyzed. More promises like previous NEPA processes and AMP development processes is not what the land needs. What the land needs is accountability of those making a private profit off of it.

Response 7. This EA is designed to lay transparent the needs we have identified and the process we will use to address those needs. That will allow those with a true interest in good land management to see that what we have been doing, and what we will do, will serve the land well into the future. Applied management over recent years has resulted in improved conditions and continues to do so today. As documented in the EA, we are talking about a relatively small and localized set of areas that are not meeting or moving toward desired conditions. Management has for the most part been effective although there is always room for improvement. This EA and Decision will help us to take further steps toward achieving our desired conditions.

Comment 8. The NEPA document discusses in many locations the dozens and dozens of water developments within or near riparian areas it fails to propose obliteration of them. Without removing them how does the Forest Service expect to really alter utilization patterns?

Response 8. The Range report includes a table listing dozens of relocations where tanks or pits in the riparian areas will be relocated to upland sites. In addition it identifies the possibility that some riparian areas may get fenced or otherwise protected from cattle use, or where more intensive management will be applied. Once the new development is operational, the old development will be removed.

Comment 9. Reviewing the existing condition sections in the appendix 3 we do not see any connection between the severely degraded conditions and immediate actions to improve these. What we see as an adaptive management process which puts off needed action to some unknown future date, depending on monitoring which in the current document is not mandatory and so we do not see any actions commensurate with the degradation documented nor do we see a defensible plan to deal with these. This clearly needs to be corrected.

Response 9. Please read the Range analysis in Chapter 3. As an example on page 44 we say, "During the recent drought the allotment was stocked at 70% for 4 weeks in 2002, the allotment was rested in 2003, and stocked at normal levels from 2004 to present." We are already working on some of our problem sites using the tools we already have available. It appears that you misunderstand our adaptive management process, based on your comments. We are defining a starting management for each specific allotment. We believe that this management will allow for our meeting or moving toward desired conditions. However, if some part of the applied management is not as effective as needed, or if situations change, we have designed adaptive options to allow us to respond appropriately. And we have evaluated those options in the EA. Monitoring is applied where it is needed to answer resource questions. The speed of our actions is commensurate with the scope of the problem we need to fix. We are not deferring management actions as implied by the comment. Just the opposite is true with the added caveat that we are also planning for the possibility of changed conditions over time.

Comment 10. Currently the allotments under this NEPA process have had dozens and dozens of various so-called "range improvements" built but the EA fails to discuss why all this hardware

has failed nor provided any rational basis to assume that more of the same will lead to different results. This is clearly arbitrary. This violates NEPA.

Response 10. That is because the vast majority of the improvements have not 'failed.' They are doing what they were intended to do. They are restricting or encouraging some aspect of cattle behavior. Range management is a mix of improvements, management strategy, monitoring, and appropriate response to monitoring findings. As we continue to monitor changes in range condition and cattle behavior on specific situations, we learn of changing needs for improvements. We addressed many of those needs in this EA.

Comment 11. In allotments with severe bare ground issues often the desired condition is to "decreased percentage of bare soil to less than 20% of pasture area for affected areas". It also states that "decreased percentage of compacted and churned soil in and near streams and ponds in benchmark areas to less than 20% of the areas involved for each affected pasture". Firstly this does not comply with the Forest Service disturbed soils limits which state that a maximum of 15% of an activity area can be in detrimentally disturbed conditions. In addition, this 15% is within an "activity area" which would be the affected riparian area not diluted over the allotment as a whole.

Response 11. Our Forest Plan identifies 20 percent as our threshold. Areas of concern with regard to bare soil are relatively small in size and are very localized. The '20%' desired condition statement in no way implies that 20% of the entire project area will have bare soil. Rather it indicates that in the specific localized areas of bare soil concern, we are striving to increase ground cover to a level that will protect and enhance soil productivity. It is our responsibility to determine what area we will use as the activity area. Please note that the title is 'activity' area, not eco-zone or biotic community.

Comment 12. Some desired conditions are not desired conditions. For instance on page 7 of the Aspen Ridge appendix it discusses for certain soil type that "buffer zones may be required on adjacent map units to minimize impacts to wetlands." Firstly, this is not a desired condition and secondly nothing within the project implements this.

Response 12. Your comment takes a sentence fragment and puts it out of context. The entire discussion is about providing protection to wetlands, and this was offered as one way to do that.

Comment 13. Another example of this inappropriate desired condition is such things as what is mentioned under the job Park desired conditions where it says "recalculate carrying capacity and adjust stocking rate to meet desired conditions." This is not a desired condition and the NEPA analysis fails to even address this issue. Why is the Forest Service so adverse to taking needed action?

Response 13. Again we see a sentence fragment taken out of context. We offered the reader a suggestion for a possible course of action to address an issue, and you have attacked the course of action on the one hand, then demanded that we implement that very action in the next sentence. We are not sure what you really want of us in this comment. The entire actual context states a desired condition and then offers an example to the reader of one tool (e.g. adjustment of

stocking rates) that could be applied if monitoring determines it to be needed to resolve the site specific concern.

Comment 14. Overall, the existing conditions laid out in the appendices, which generally represent severely degraded conditions for a wide range of resources are not accurately reflected in the main body of the NEPA document.

Response 14. Our existing conditions were listed in an appendix because their sheer volume was more than the EA needed to achieve it's purpose of informing the public. However, the total set of information is needed to understand the analysis displayed in the EA, so it is included as an appendix. We feel that is suitably summarized in the document. We disagree with you in that it does not represent severely degraded conditions. It represents generally good conditions with localized problems.

Comment 15. The desired condition in the same appendix fails to even mention the purse making caddis fly or other sensitive species.

Response 15. Please see Page 4 of the Chubb Park existing/desired condition table. The existing condition specifically addresses the species. The desired condition is written to cover all aquatic species. Appendix 3 (desired and existing condition tables for each allotment) for each allotment does describe the existing and desired condition not only for fish but for Forest Service Sensitive Species such as the Rocky Mountain capshell snail and the purse making caddis fly.

Comment 16. The NEPA document seems to fail to understand basic hydrology in its rush to satisfy the interests of the permittees. As we have stated before there is no free lunch when it comes to water. When you remove water from the system it degrades those systems by its very nature. For instance, in the spring or seep produces one quarter CFS and you place a spring box and pipe it into a tank you have essentially destroyed that seep. The document fails to discuss these issues. It also fails to discuss the cumulative impacts of developing so many springs in addition to the dozens and dozens that have already been essentially destroyed.

Response 16. Please review the design criteria #35-43. These deal with new spring developments. You state that withdrawing water from a spring destroys it. The evidence in the field directly contradicts that point. By using the design criteria listed here, we will maintain the integrity of each spring that we use. The new tanks will have float valves to limit the amount of water that is drawn from a spring. When a tank is not needed for livestock the water supply will be shut off. Water will be returned to the stream channel as near as feasible to the point of collection. If needed, the spring source (which contrary to the assertion is never completely dried up) may be fenced or otherwise excluded from livestock.

Comment 17. For the bear Creek allotment the Forest Service seems to be proposing to significantly increase permitted use but fails to provide any analysis of the impacts of this nor of corn productivity or capable acres. This violates NEPA.

Response 17. What does “corn productivity” have to do with permitted use? If you read carefully you will realize that the Bear Creek allotment has been operating at the minimally increased numbers for several years. Monitoring has indicated that this slight increase is warranted. We are in fact doing the very applied management that previous comments stated that we were failing to do. The effects that are described in the EA reflect operation at that higher number. Please see EA page 49 for this discussion.

Comment 18. We are amazed to see on such allotments as the Kemmerer on that there is a 14 past year rest rotational system and yet there continues to be significant degradation of riparian and other resources. If it allotment cannot be managed appropriately under the system is massive as this and how can we expect for rotation or rotations with less number of pastures to work? For services provided no information on this or why current systems have failed. It is absolutely critical for informed in legal NEPA process to examine past successes and failures and to determine the causes of these so that actions can be taken in the current process to correct the mistakes and unfounded assumptions of past processes. Anything less than this violates NEPA.

Response 18. The “Kemmerer” allotment does not exist in this valley or in this EA.

Comment 19. The Bassam allotment likewise has a 14 past year rest rotation system and yet we continue to see severely degraded riparian habitat. We do not understand how a system with as many pastures as this generally it allowing only 10 days per pasture could have such severe riparian issues. The only thing we can think of is that the Forest Service has failed to enforce this 14 pasture rest rotation and has allowed trespass in excess of utilization throughout the entire allotment. Nothing provided within this NEPA document would allow for a rational conclusion that the Forest Service will do any better of a job of implementing the current proposed decision than it has in past decisions. This past performance must be analyzed within this current NEPA process in order to have a rational and informed NEPA process leading to a defensible decision.

Response 19. Your foundation issue is flawed because you assume that the riparian areas are “severely degraded” when they are not as documented in the EA and specialists reports. Yes there are some problem sites, but those are limited in extent, and not “severely degraded”. We have identified the situation and have made this clear in our disclosure to the public via this analysis. There is nothing in this EA which would lead a reasonable person to jump to the conclusions you stated.

Comment 20. Looking through appendix 2 in the response to comments we are disturbed by many of the responses there seems to be a strong misunderstanding regarding the authority of the Forest Service. While livestock grazing is an allowed use a Forest Service lands it certainly is not the case as indicated in 2b at the Forest Service cannot close or rest areas because it would "not support grazing is an authorized use." This is of course false.

Response 20. No where in the document did we say we could not “close or rest areas.” Rather, we said we would prefer to apply adaptive management and monitoring to solve the problem It is always more sensible to try the least impactive, least expensive, but still fully feasible option before jumping to the most difficult, impactive or expensive..

Comment 21. As we have stated before alternative B and C are basically identical. All the tools described for alternative C have been available to the Forest Service for many decades.

Response 21. Some of those tools require NEPA analysis before implementation. This EA provides that analysis so that implementation can commence. Under Alternative B we would have to analyze each action separately, taking more time and costing more money. Under Alternative C we cover the activities collectively so implementation can start as needed. In addition, not all actions are able to be implemented administratively. The NEPA Act itself requires disclosure for most ground disturbing actions such as development of upland water sources or construction of fences, or restoration of certain habitats. Therefore Alternatives B and C are most certainly not the same. Alternative B only provides for implementation of any existing NEPA decisions and the limited actions available as administrative tools. Alternative C provides for all administrative tools plus the defined range of design criteria and adaptive options not available under alternative B.

Comment 22. The excuse that implementing these takes time through the normal processes is, of course, completely false. The Forest Service has had a century to correct the problems and has in nearly every instance failed. This massive failure of proper management of our public lands in the interests of the public as a whole as opposed to the short-term economic interests of a tiny handful of people is not caused by a lack of tools nor by an unwieldy system of implementation. It is purely based on the institutional spinelessness this deeply bred within the Forest Service hierarchy. Without correcting this spinelessness alternative C is the same as alternative be.

Response 22. This comment is an unnecessary and unwarranted slam of our agency, and does nothing to improve the communication between us. In addition, the statement is patently untrue. A brief review of history and grazing management files shows exactly the opposite. Rangeland resource conditions are the best that they have been since the late 1800's. Management is being applied on-the-ground, albeit not perfectly, and improvement is continuing. We understand that Western Watershed's avowed goal is elimination of public land grazing. The group has made no secret of this and we respect their right to their opinions. However, livestock grazing is a legal and valid use of public lands as supported by numerous laws of the land. Input from WWP is taken seriously, and when that input is provided in a helpful approach, has and will help us to do a better job of land management. However, attacks are not helpful and are not conducive to good relationships.

Comment 23. In response 6 the Forest Service states that "the EA's purpose is not to investigate past problems" but this is exactly what the EA must do in order to comply with NEPA. You can't just keep kicking the can down the road failing to look at the past and why things didn't work and proposed basically the same thing that you proposed before and now expected to work. This is a rational.

Response 23. We have addressed those past actions that affect cumulative and individual resources. That is what NEPA requires. We understand that you believe that we have done little to nothing to properly manage the land (specifically, we have failed to eliminate livestock in favor of applied management); however the analysis found in the EA and supporting documents

directly contradicts that opinion. This analysis is contained in the NEPA document as required by law and policy.

Comment 24. In response 8 the Forest Service considers its monitoring plan as "comprehensive". The monitoring plan provided is neither comprehensive, nor detailed and most critically is not mandatory. You cannot implement adaptive management without mandatory monitoring. Monitoring is the basis upon which any valid adaptive management process must be based. Without mandatory monitoring there is a strong likelihood that the monitoring will not take place or will not take place sufficiently to provide the data necessary. This of course leads to inaction which leads to further degradation of our public resources. We request that the Forest Service learn what adaptive management actually is and if it plans to implement adaptive management that it do so in a manner which is defensible and in accordance with the principles laid out for adaptive management in literature. The current process does not do that.

Response 24. The monitoring plan is a key part of the proposed action, and as all adaptive management literature suggests, is the cornerstone upon which good adaptive management decisions are made. This EA clearly states what monitoring will be required and ties that monitoring back to the adaptive management process.. We disagree with you on that point.

Comment 25. We will state again that the needs of TE and S species have not been adequately dealt with no or as specific management objectives triggers and conditions been laid out for each of the species in question. This needs to be corrected.

Response 25. The BE/BA adequately and fully addresses all potential direct, indirect, and cumulative effects of the proposed alternatives and states a determination of effect for each species that may be present or habitat that is present as per Forest Service Manual direction and ESA requirements. Monitoring will be completed to determine whether desired conditions have been achieved and which adaptive management tools may be necessary to move towards and achieve these conditions in an acceptable timeframe.

Comment 26. When we commented that the EA only deals with the needs of one species the Forest Service misinterpreted this to mean that we thought that only one species was mentioned in the EA. This of course is not the case. What we meant was that the needs of only one species were interest specific management standards within these allotments. Clearly this needs to be corrected there are wide range of species for which specific habitat needs need to be provided for. The decision must provide site-specific standards to meet the needs of each of these habitat needs.

Response 26. We have developed specific design criteria and desired condition goals for a number of species or groups of species as necessary to address specific habitat needs. These criterion and measures have been developed to avoid and/or minimize impacts of the action on each of the species addressed in the BE/BA and MIS Report. In this comment, we understand that you are concerned that we don't identify a "wide range of species for which specific habitat needs need to be provided for". That is the purpose of our management indicator species (MIS). One species to represent the habitat needs for several species with similar needs. This allows us to accommodate many species while only detailing a few. By showing the effects on the MIS, we

show the effects on many similar species. However, we also deal with specific species of interest or concern, and their habitats, through the design criteria as provided for in the BE/BA's and the specialists reports.

Comment 27. The Forest Service likewise fails to understand our issue with increased livestock size.

Response 27. We clearly understand the concern. However, we disagree that it is an over-riding concern. Specifically, management as applied on these allotments is basically self regulating with regard to livestock size. The design criteria, specifically the allowable use design criteria, are based on plant and resource needs and responses to grazing. As an example if the design criteria on a key area is set at 4 inches, once that 4 inches is reached the livestock leave the pasture. With the forage requirements of smaller cattle, reaching the 4 inch design criteria will take a certain number of days – with the forage requirements of significantly larger cattle, the amount of time in the pasture until the allowable use design criteria is reached will be less and the cattle will be removed earlier. However the overall effect is that the plant and resource needs are met by the 4 inch stubble height regardless of animal size. When the other design criteria are factored in (such as timing constraints, frequency constraints, etc.), proper resource management ensues regardless of animal size.

Comment 28. Clearly the current process needs to know what current productivity is in order to decide on appropriate numbers and seasons of use.

Response 28. Productivity varies widely from year to year and is coarsely evaluated each year. If monitoring indicates a potential need to change permitted numbers or seasons, then a statistically sound utilization survey will be completed and the data from that monitoring used to determine proper stocking levels. This is shown in the Monitoring Plan.

Comment 29. In response 28 it seems as if the Forest Service is not even read the title of the paper by Knapp and Seastedt. Since the Forest Service has not reviewed this literature I will put the entire title here. *Detritus Accumulation Limits Productivity of Tall Grass Prairie - The Effects of Its Plant Litter on Ecosystem Function Makes the Tall Grass Prairie Unique among North American Biomes*. As you can see clearly from reading the title without even examining the abstract let alone reading the paper, this paper has no applicability to the ecosystems in question. The title makes that abundantly clear when it states that the tall grass Prairie is unique in this issue of plant litter accumulation causing impacts to ecosystem function. Can you see why we expect better of the Forest Service than this?

Response 29. Just because the title says it's "unique" does not mean that it is alone, just different. You have not explained what your concern is with the citation. Our experience has shown that in fact the tall grass prairie is not unique in that our montane meadows can suffer from too much plant litter as well. Most grasslands that produce a significant volume of forage are probably in that same situation. Too much decadent vegetation will retard the growth of new leaves or stems.

Comment 30. In response 32, the Forest Service again misunderstands our point. The particular software that was used is not so much the question is the data fed into the software that is the problem.

Response 30. You stated our analysis had no basis in reality. We disclosed that we used actual costs for personnel, equipment, and materials.

Comment 31. Regarding the listed greenback cutthroat trout the Forest Service uses the excuse that most of the populations had been wiped out and so that they are no longer a concern. This shows a tremendous lack of leadership and lack of concern for the clear intent of a wide range of laws and regulations that create a structure for the Forest Service have a major focus and be a leader in the recovery of the ESA listed species.

Response 31. Every known fish bearing stream on every allotment was surveyed using standard fishery techniques to determine if federally protected greenback cutthroat trout were present within the analysis area. None were found. Therefore, there is no effect to greenback cutthroat trout from the proposed livestock grazing activities. Greenback restoration efforts are ongoing in those streams on the Forest that are best suited for their recovery. Hayden Creek, just south of the Bear Creek Allotment is one of those streams.

Comment 32. We again state as case law has shown, that the Forest Service needs to take a capability and suitability analyses done at the forest plan level and ensure that they are translated into this site-specific level during NEPA processes such as this. The addition of appendix 5 provides no further useful information because it only contains the process information but fails to provide information at this site-specific level for each of the allotments within this analysis. This needs to be corrected.

Response 32. Appendix 5 was not intended to provide site specific information. It was provided to show the reader the difference between rangeland capability and suitability, and how they are evaluated. Capability and suitability are discussed in the EA in the Range section of Chapter 3. The case law quoted does not say that a full capability and suitability determination is required at the project level. In fact, regulations only require them at the Forest Plan level and then only a general determination of suitability for a particular use is required. The case indicates that the Forest Service needs to show how the Forest Plan level Suitability Determination information was evaluated and used at the project level. This was done in the Range section of Chapter 3.

Comment 33. Again response 37 misinterprets the clear responsibilities of the Forest Service. Viability is not a regional or state issue. Impacts to viability at this site-specific level such as this large project area are the parts that cumulatively create viability or the lack thereof at the "planning area".

Response 33. MIS is a concept adopted by the Forest Service (36 CFR 219.19) to serve as a barometer for species viability at the Forest (Planning Area) level. The MIS report addresses

viability of MIS in the Planning Area . Viability for all T&E species is addressed in the BA/BE and in Chapter 3.

Comment 34. Moving into Chapter 1, it is clear from the large number of allotments, 284,000 acres, has severely degraded current conditions and the massive level of new "range improvements" that it is wholly inappropriate to utilize an EA. We request that the Forest Service starts again and doesn't appropriate NEPA analysis given the scale of this.

Response 34. We disagree with your fundamental point, and the reasons for proposing it. First, the EA clearly shows that there are not 284,000 acres in severely degraded condition. In fact, the EA clearly shows that areas of concern are relatively small in size, scattered in nature, and limited in scope. Second, we are not proposing any 'massive level of new range improvements' as stated. Rather, the EA and the adaptive alternative clearly portray a situation where we are proposing a limited number of new improvements and the relocation of some water developments out of riparian areas as our starting management. Other improvements are discussed in the context of adaptive options. However, we believe, and clearly state, that we anticipate that most of them will never need to be implemented. They are provided as optional tools available if monitoring indicates that management is not having the desired effect or if conditions change. Finally, nothing we have done is precedent setting, or so significantly impacting to the human environment that we would be required to use an EIS.

Comment 35. Table 1-2 again demonstrates the bias of the Forest Service to only think in terms of products to transfer to private profit. The issues here are far more than rangeland condition and include a wide range of other ecosystem processes that are not discussed here most glaringly, would be riparian issues, soil maintenance and building processes, invasive species and habitat needs for a wide range of other species than domesticated livestock.

Response 35. You have completely misunderstood the purpose of table 1-2. As the title so clearly states it is a "Comparison of Rangeland Conditions". It is simply a display of the differences between excellent and poor rangeland conditions for some of the many ways we evaluate rangelands. It is not about all of the other resource issues you raise.

Comment 36. As we have stated before proper functioning condition or PFC is an inappropriate method for monitoring, as it is an assessment technique or for trend. In addition PFC does not equate with "robust stream health" and is not a monitoring technique to ensure compliance with Watershed Conservation Practices Handbook. The Forest Service needs to monitor in such a fashion that meets the requirements of WCPH and the needs of land.

Response 36. PFC is one tool in our toolbox that does serve as a useful monitoring tool. It is not our only monitoring tool. PFC is appropriate as a tool to provide an early warning or to help focus additional attention on a situation. In addition, we use PFC as one interim indicator as to how well we are doing in terms of meeting desired conditions. If an area of functional at risk is able to be moved to functional, this indicates a probability that at least some of the resource attributes are in fact improving. Additional and more detailed monitoring then would be used to determine more precisely what is happening with specific attributes of resource condition. This is an appropriate use of PFC.

Comment 37. In section 1.4 the document mentions "within a defined timeframe" yet fails to provide any defined timeframe. Again desired conditions are generally vague and unmeasurable. The desired conditions for riparian areas are to provide habitats for viable populations of Fish and wildlife but fails to provide any information regarding what those habitat characteristics are, which of course will lead to them not being managed to meet those. In addition it makes PFC the desired condition for stream channels. As we have stated before this does not comply with the Watershed Conservation Practices Handbook nor does it indicate that the Forest Service has read TR 1737-15, particularly the information provided up through page 20. A reading of this manual clearly shows that a desired condition of PFC is inappropriate.

Response 37. Section 1.4 is the introductory overview of what a desired condition is. It is not intended to provide the answers to resource questions. The defined timeframe will be different for each resource issue we are dealing with, based on the degree of change needed, the size of the area being addressed, and the desired condition we seek. Using PFC as a monitor for desired condition is an appropriate use of the tool, and helps to establish a measurable standard for stream conditions.

Comment 38. The NEPA analysis must provide a detailed listing of all applicable forest plan standards and guidelines regulations and other management direction and provide rationale of the proposed action complies with each one of them. Mere statements that the action is in conformance with such and such can only be seen is arbitrary.

Response 38. The Forest Plan is a public document, therefore laundry-listing the citations for "all applicable forest plan standards and guidelines" is not necessary and in fact counter to the NEPA recommendations that documents be short and succinct. NEPA provides for tiering and incorporation by reference for public documents and other research papers.

Comment 39. Reading through the allotment specific need for action what is striking is that virtually all the issues are the same for all the allotments. What they boil down to is the permittee's failure to control their livestock and the Forest Service's failure to implement standards which has been in effect for decades. The Forest Service must provide information to the public and the decision-maker as to why the tools that have failed to be implemented in the past will now be implemented. On page 19 Forest Service states "the allotments currently under permit in the SLPA are being operated under AMT has developed 10 to 15 years ago and are being proposed for revision." But the document fails to provide any information as to why the AMP's continued such degraded conditions even after such long periods of implementation. Such information is critical to an informed NEPA process and must be provided.

Response 39. This is the same point you stated in comment 7. Please see that response.

Comment 40. The NEPA document provides various key issues with indicators but fails to track these indicators throughout the rest of the document nor does it develop a structure in the monitoring and evaluation plan to specifically measure and make decisions based on the results of monitoring for these indicators. In addition despite the fact that many of these allotments of experience severe soil loss recovery of soils and soil structure is not being dealt with. In addition,

water quality which is highly affected by livestock grazing is neither an indicator nor part of monitoring.

Response 40. The key issues that are identified in chapter 1 are discussed in chapter 3 in the respective subject areas, and shown in the summary effects table, so they do track through the document. We are not experiencing a severe soil loss anywhere. We do have soil movement in some allotments, but it is generally minor in nature. Water quality was not raised as an issue requiring specific monitoring. It is being addressed through protection and enhancement of riparian zones.

Comment 41. Turning to Chapter 2 we again see issues with "acceptable timeframe" but no definition of what this is for each of the specifics. And as we've stated before the various adaptive management options or so-called "tools" are all actions that have been available to the Forest Service for many decades most of which can be implemented in AOIs without doing NEPA.

Response 41. The acceptable timeframe is different for each instance. It is dependant on many things like site capacity, the basic problem, the adaptive management options that could work, and the impact to resources. We agree that some of our adaptive management toolbox tools are available through our permit administration. However, for more specifics, refer to the response to Comment 21 above.

Comment 42. In section 2.3 the Forest Service needs to delineate each of the forest plan standards and guidelines as well as the direction from the Watershed Conservation Practices Handbook and show how these requirements will be met. These are the heart of the documents mitigation and must be spelled out in detail.

Response 42. You raised this same issue in comment 38. Please see that response.

Comment 43. In the "Livestock Management Design Criteria" we see a listing of nice and pleasant ideas but no implementation. For instance number one "keep livestock distributed throbs suitable range lands within pasture areas". That sounds very nice but how will it actually be implemented? It is clear from the experience throughout the West that more fencing and more water developments do not achieve this. The only thing that effectively achieves this is continuous daily herding, even though this is a fundamental issue that is causing the problems on each one of these allotments the Forest Service fails to implement mandatory continuous daily herding. The result is that when 1 is worthless fluff. Number 2 is a basic permit term and condition which has been on the books for close to a century. Number 4 is unknown because the NEPA document fails to provide information regarding rotations that would allow the reader to determine if this is implemented or not. Number 5 is not implemented on many of the allotments in question. Number 7 is also a nice-sounding sentence but nothing within the document would lead to a reasoned conclusion that it will be implemented. Number 8 suffers from the same problems as number 4.

Response 43. The design criteria are a listing of requirements or constraints on our management. You seem to want us to dictate daily herding even when you are lacking

information that such a requirement is even needed. Our adaptive management prescribes a starting level of management and then provides available adaptive tools to respond to monitoring results and changed conditions. This is appropriate and professional. Your contention that we have failed to implement actions over the years is patently wrong. We have not always implemented your specific wishes but we have and continue to implement a great deal of management actions and monitoring. We will implement the selected alternative.

Comment 44. The game winter range is a major part of the analysis area at the Forest Service has failed to provide any management criteria to meet the needs of wintering big game. Clearly, winter range specific utilization levels need to be implemented.

Response 44. Measures for elk (a MIS) and bighorn sheep (FS Sensitive species) are included in the BE/BA and MIS report where necessary and applicable as well as other general design criteria that are intended to avoid or minimize impacts to other big game species and their habitats. This poorly worded comment focuses on big game winter range, which is discussed in the BA/BE and the MIS report for big game. Please see design criteria 8 on page 29. This will insure adequate forage for wintering big game.

Comment 45. Number 9 implements standard forest plan utilization and stoplight requirements but fails to take into account site-specific issues and the need that most riparian areas have for recovery. For instance, a 3 inch double height or whatever minimal level is defined in the forest plan as a general standard is not supported in literature to allow for recovery of degraded systems. The entire point of doing NEPA is to translate the forest plan direction to a site-specific level. This is not been done.

Response 45. Design Criteria 9 simply states our requirement to follow the forest plan standards and guidelines. If we have a site that is degraded, we will apply an adaptive management tool or two to address the problem. In addition, best available scientific literature supports a four inch stubble height as being sufficient to trap and retain sediment, thereby leading to bank building and maintenance. This in turn is shown in the literature to lead to increased water retention and improved growing conditions for site adapted plants. That is why this was accepted as a Regional standard. Please see the Range Allotment Management Training Guide for a more complete discussion on this issue.

Comment 46. We requested that the Forest Service implements Multiple Indicators Monitoring (MIM) as the monitoring tool for a wide range of short-term and long-term riparian parameters. In addition, as we have provided previously we request that site-specific riparian objectives are set through the use of the Caribou National Forest Grazing Implementation Guidelines which we have provided to you in the past. These two mash perfectly and allow for efficient site-specific criteria to be developed and then to be monitored in a statistically defensible and efficient manner.

Response 46. Thank you for providing these two documents. Our Regional and National offices are reviewing and discussing their applicability relative to existing Forest Service approved methodology. If MIM is adopted as a regional or national method, it can be used on these allotments.

Comment 47. As we have stated previously Number 19 fails to take into account the need for riparian recovery in nearly every stream channel in the analysis area. Three and 4 inch stubble heights do not achieve recovery. This is clear from the literature.

Response 47. Design criteria 19 is a guide we will follow over most of our riparian areas, since they do not require recovery. Design criteria 24 may be applied in those specific sites where some recovery is needed. We disagree with regard to the best available science. See comment 45.

Comment 48. Number 20 likewise is a nice statement but no management specific to its implementation has been provided.

Response 48. By using timing, intensity, and duration we can use cattle grazing as one tool to help diminish the undesirable plant communities and lead to their replacement by more mesic native plant communities. That is one course of action under adaptive management.

Comment 49. Number 21 is not implemented because utilization cages have not been provided in the monitoring plan. This needs to be corrected.

Response 49. A utilization cage is not the only way to measure utilization. We provide monitoring tools appropriate to the data needs and site-specific situation and reference the R2 Rangeland Analysis and Management Training Guide as the basis for various regionally approved methodologies.

Comment 50. Number 24 likewise is not implemented. The Forest Service knows which riparian areas are in degraded condition at the proposed action does not provide any rest as this point states. So it sounds very nice on the page, but is basically worthless.

Response 50. Design criteria 24 is one of our options under adaptive management. We currently have no areas where we feel we need to apply this tool.

Comment 51. Number 30 is not implemented because annual stream bank trample triggers have not been implemented on all riparian key areas.

Response 51. At this time, it has not been implemented because we usually reach our allowable utilization triggers, or our timing triggers before trampling becomes the trigger to move the cattle.

Comment 52. Number 56 through 61 also are nice statements but nothing within the proposed action implements specific management direction to implement these.

Response 52. The directions to implement these are in separate documents. The EA is an analysis document, not a directive document.

Comment 53. Number 63 is likewise good direction but has not been implemented in the proposed action. In order to implement this mapping of these areas for the Forest Service and the permittee and providing specific mandatory monitoring of this in the monitoring plan must be done.

Response 53. Our Rangeland Management Specialist and our permittees know where they have big sagebrush on their allotments. They will monitor sage utilization when the cattle are in those pastures without the direction being listed in the monitoring plan.

Comment 54. As we stated in the previous draft EA NEPA requires that site-specific analysis be done. In this case site-specific analysis has not been accomplished for the wide range of "range improvements" that are being proposed. Identifying them is not sufficient they must be analyzed.

Response 54. An appropriate level of analysis for the prospective improvements has been completed and is included. The site specific surveys for botany and cultural resources are required to be completed prior to implementation for each range improvement, as shown in the implementation plan.

Comment 55. This implementation plan proposes as the first choice more range improvements, which is more of the same that has been done for decades. The first choice needs to be a realistic stocking rate, season of use, and rotation that will result in a significant recovery that is needed based on long history of permittee lack of compliance with AMP's and AOIs and the long history of the four services failure to implement and enforce these documents. Basically, what this emphasis on physical "range improvements" does is transfer the contractual obligations of the permittee to the taxpayer.

Response 55. The implementation plan focuses on our process for installing improvements. The other actions you addressed are all part of our adaptive management toolbox, and would frequently be implemented before we use an improvement to solve a problem. If we use actions instead of improvements to solve the problem, we resolve the concern at a lower cost and potentially less impact on the land and the permittee..

Comment 56. The monitoring plan is woefully inadequate to be used in an adaptive management process. The primary problem is that there is no commitment to implementing it. This completely vitiates the entire adaptive management process. In addition it fails to provide the level of detail that's necessary for appropriate implementation.

Response 56. The commitment to implement it comes from the decision document, not the analysis document (EA). We believe that it contains all the detail that we will need to evaluate the conditions on the range, and to make informed decisions in the future.

Comment 57. Table 2-2 fails to list what the trigger points are as well as specifically what methods will be used, where they will be used, when they will be used, who is responsible for implementation in what the actions will be if the triggers are exceeded. This is the heart of an adaptive management process but has not been laid out in this document.

Response 57. If you look again at table 2-2 you will see the third column lists the standard that will be followed. Most of the items list the RAMTG (Range Allotment Management Training Guide) as the document that sets the standard. We are familiar with this document and its contents. It answers your questions. The trigger points for each subject are listed therein.

Comment 58. Stunningly, the document states that "non-compliance would dictate frequent monitoring until satisfactory compliance is attained." Failure to provide swift and effective feedback for permit noncompliance or more clearly stated violations of contractual requirements only encourages further of bad behavior because there is no repercussions. This is one of the fundamental reasons why the current degraded conditions are there. It is because the Forest Service has failed to take the appropriate actions to remedy permit noncompliance.

Response 58. The statement is obviously misunderstood. The meaning is that we will take immediate and appropriate action to resolve a non-compliance situation as per FSH 2209.13 R2 ID. However, permit action is not usually needed as the permittees are generally responsive and the concern is quickly resolved. The statement is intended to indicate that if a problem occurs or reoccurs, we need to understand the cause and effect. While we can, have, and will resolve the situation quickly, we need to understand the situation if we are to correct it for the long-term. This office has sent notices of non-compliance to permittees who have failed to live up to their obligations, and taken action to back them up. We would prefer to work with our permittees instead of threatening them with legal action in an effort to solve a problem.

Comment 59. Again, the Forest Service uses PFC improperly nested lists it for a method to monitor stream bank stability. Nothing within the monitoring plan meets the monitoring requirements of the Watershed Conservation Practices Handbook

Response 59. We disagree. PFC provides a suitable monitoring method for our needs. Please see the responses for 36, 37, and 42.

Comment 60. No "no grazing buffer" has been mapped are defined in this process and so the likelihood of its implementation is strongly in doubt.

Response 60. Your comment is not clear enough for us to know what "no grazing buffer" you are referring to. If you are referring to the buffer for Boreal toads, please review that section of the design criteria and chapter 3. The discussion there is quite clear on size and location of buffers to protect toad habitat.

Comment 61. The plan proposes monitoring spring discharge but fails to provide any information regarding how much water is currently being removed from the system and what trigger point would be used to determine impacts. In addition, water volume is only one aspect of the habitat needs for this particular species but other aspects are not being monitored.

Response 61. Your comment is unclear. We are not sure what species you are referring to, although we suspect it may be the caddis fly. We have identified that we will monitor the spring twice a year to see what the outflow is. We will monitor the riparian conditions at the same time to give us a more complete picture of habitat conditions. All this is described in the BE.

Comment 62. Again PFC is being misused as a monitoring method and being misused as a desired condition. This needs to be corrected.

Response 62. Please see response 36, 37, 42, and 59.

Comment 63. Moving to chapter 3 the document states "the effects of the recent drought were factored into the analysis to the extent possible to avoid arriving at erroneous conclusions." But fails to discuss how the data was altered to account for drought. The other question here is that drought is a regular occurrence throughout the arid West generally occurring six years out of 10 and thus forms the majority of the time period and should be the baseline for production not that of high precipitation years.

Response 63. Data was not altered to account for drought. The fact that we experienced a drought was considered in the evaluation of range condition for parts of our allotments but did not change the actual findings. We agree that periodic drought is a part of the natural situation for these allotments. In significant part our design criteria are designed to provide the flexibility to apply proper management during and following a drought period..

Comment 64. Under section 3.3 for the no action alternative the Forest Service provides baseless unsupported claims that the no action alternative would somehow degrade resource conditions. This is of course absurd. As we have stated before the research paper provided to support these absurd claims has absolutely no applicability in the to the ecosystems in question. The Forest Service is required to implement BAS but has clearly failed.

Response 64. Our claims are supported by the best available science and the professional application of that science to our specific conditions.

Comment 65. The Forest Service continues its absurd claims that it is handcuffed without the implementation of adaptive management. This is of course, a false and needs to be removed from the document.

Response 65. Please show us where the EA states that we are "handcuffed". See also the response to comment 43

Comment 66. The NEPA document discusses that most of the range improvements currently on the allotments are "constructed years ago, their location or design often is not consistent with current management direction or does not meet the needs to mitigate current conflicts or environmental challenges." But with the exception of only a tiny percentage the Forest Service is not proposing to correct these problems.

Response 66. That comment only applies to a few of our improvements, not most of them. We are correcting these problems with some of our proposed new improvements. Specifically, while many of the improvements were in fact constructed a number of years ago, most are effective and well located. For some however, there is a need to relocate or redesign them to better meet current needs.

Comment 67. One of the major flaws in Chapter 3 is that the comparisons are generally not made to the no action alternative but only to the other action alternative. This needs to be corrected.

Response 67. Your generalization is incorrect. Please reread chapter 3. It is full of references to the no action alternative.

Comment 68. Benchmarks in key areas have already been defined and are part of current management.

Response 68. This is partially correct in that a number of benchmark sites have been established over the years. However, the IDT recognized a need for additional data and/or for data representing different sites or situations. As a result, we established new benchmarks for this analysis and future management.

Comment 69. When the NEPA document discusses piping water to tanks located in the uplands it fails to provide any information regarding distance to riparian areas. This information is critical to understand if there is any usefulness at all in these hardware solutions. For instance, if these tanks are located only a few hundred feet from riparian areas their usefulness is absolutely nil.

Response 69. The estimated distances are in the table of improvements in the Range report.

Comment 70. The NEPA document states that continuing livestock grazing will reduce the risk of noxious weed invasion which is of course unsupported by common experience, the literature or common sense.

Response 70. What we say is "Adaptive management allows us to make changes ... when needed. ... This should increase residual vegetation... Less bare ground means ... lessening the likelihood of noxious weed invasion." (EA pgs 64-65)

Comment 71. The document continues by stating that the proposed alternative would have overall positive direct and indirect effects which is also wholly unsupported by the experience and research. Continued livestock grazing under any condition does not have a positive effect on the resources. Certain management actions can reduce impacts but do not eliminate them. Only the no grazing alternative as an overall positive direct and indirect impact.

Response 71. Our experience is different than yours. We believe that adaptive management, properly applied, will solve most of our resource problems and improve our resource conditions. We do recognize that any activity occurring on natural resource lands will have an unavoidable impact and this is true of livestock grazing as well as recreation or other uses. Our charge and intent is not to eliminate all potential impacts but to bring those impacts within acceptable levels. We believe that the adaptive alternative will allow us to do so.

Comment 72. We note with interest the quote from McIver, 2004 which provides for basic principles of range management. Our hope was that these four would be implemented since you're quoting from this paper but unfortunately they are not. Let's look at them individually:

1) Balance animals demand with available forage supply - the NEPA document provides no information regarding current productivity or the balance of demand based on the limited management that is in place. In other words most of the forage removal takes place in riparian areas as is common throughout the West. Clearly, from the NEPA analysis excessive utilization is taking place in these riparian areas therefore the supply is basically riparian production in the adjacent uplands and there is currently not a balance between demand and supply nothing in the proposed alternative corrects the situation with the exception of some far off, the ethereal adaptive management process that most likely will never be implemented.

2) Distribute livestock evenly - as we have stated before the proposal to develop more of the same water developments and pipelines which have failed in the past will not distribute livestock evenly. The only effective method for distributing livestock evenly is continuous daily herding which the Forest Service is not implementing.

3) Avoid grazing during vulnerable periods - the Forest Service proposes no change in turnout dates so most of the utilization takes place during "vulnerable periods".

4) Provide ample rest after grazing - Here again this is not implemented. Rest has a very specific definition within range management and I've not seen anything within the document that would indicate that ample rest is being provided.

Response 72. 1) If we were to truly balance livestock with available forage supply, then we would have to increase the allowable numbers on each allotment. Forage supply has not been shown to be a problem on any of our allotments. Stocking rates are within the balance of available supply. This is shown in the EA. 2) Our improvements have helped to improve livestock distribution. More improvements combined with appropriate design criteria and management actions will continue to increase livestock distribution. 3) Management of the time and timing of use is a key design criteria in this document with the purpose of minimizing impact during vulnerable periods. We will use a rotation system that changes the timing of grazing on pastures from year to year. Please review design criteria 4 and 8. 4) Again, please review design criteria 8. In summary, we believe that the EA clearly shows that we have properly and fully applied the principles of the referenced document.

Comment 73. The document states that "dirt stock tanks dug into the riparian area are responsible for concentrating livestock use in do not encourage distribution into the adjoining uplands" but the NEPA document fails to provide any direction for obliterating these dirt stock tanks and thus no improvement will take place. Livestock use riparian areas for far more than just access to water so providing upland water only provides one aspect of their needs but fails to provide the others which include more nutritious forage, shade, temperature relief and other things. Assuming that the development of upland water sources are going to solve riparian issues is not supported by the science.

Response 73. The EA and supporting documents clearly show that a significant number of water developments currently located in or near riparian areas will be relocated to upland sites and the existing improvement removed. See appendix 4 for that list of projects. See also Response to Comment 2.

Comment 74. The cumulative impacts sections throughout the entire document failed to comply with the Forest Service direction for cumulative impacts analyses as well as case law. In the section dealing with TE and S species the document fails to provide any population information or viability assessment under current conditions. This information is of course critical because how can you tell if it's not going being cause loss of liability if you don't know populations status, trends or current viability. In addition, as we have stated that the reality of the difference between alternatives B an alternative C is insignificant and as such we are concerned that in reality the calls for the various species under alternative B are actually appropriate for alternative C.

Response 74. We disagree. Our cumulative effects analysis is appropriate for this project. Your statement of difference between alternatives B and C is in error. There are some strong differences between them. Please reread Chapter 2, EA pages 26-42. We have discussed and addressed cumulative effects of other activities to all species in the BE/BAs and used the best available information. We also used what population information is available at this time. MIS is a concept adopted by the Forest Service (36 CFR 219.19) to serve as a barometer for species viability at the Forest (Planning Area) level. The MIS report addresses viability of MIS in the Planning Area. There are viability calls for all T&E and MIS species.

Comment 75. We did not find anywhere located in the monitoring or implementation plan a requirement to conduct boreal toad and UFB surveys.

Response 75. Please read EA page 42, table 2-3, section 3. Both are there. In Appendix 1 of the BE/BA, and in the EA specific design criteria are listed specifying what surveys for these species will be conducted, methods, and when.

Comment 76. Page 74 actually agrees with me when it states that "stock water improvements do not necessarily translate into improved range conditions. For example, Aspen Ridge has 56 existing stock water developments of which many are in the riparian areas a significant portion of that riparian is not a desired condition."

Response 76. We agree that improperly placed water developments may not contribute to good range conditions. However, best available science and practical experience disagrees with you in regard to the beneficial effects of well designed upland developments.

Comment 77. On page 75 there needs to be a correction for the references to appendices three and four.

Response 77. Thank you. We will fix that.

Comment 78. On page 82 it mentions riparian PFC monitoring that was recently done at the NEPA document fails to provide information as to the results. This needs to be added.

Response 78. The results are part of the Hydrology report, and summarized in the EA, Chapter 3, Hydrology, page 124+.

Comment 79. The document lists three Mexican spotted owl recovery standards which also have not been implemented even though they are quoted. This needs to be corrected. Clear direction specific to the requirements of the Mexican spotted owl must be added to the allotment specific management direction and triggers. Clearly point number 3 is not being implemented in the proposed action. Recovering degraded riparian communities "as soon as possible" cannot be accomplished with the proposed alternative, it can only be accomplished through removal of grazing from the degraded habitats until they recover and are providing for the habitat needs of the Mexican spotted owl.

Response 79. In the BE/BA we address how each of the three MSO recovery plan guidelines would be addressed under each alternative, the effects of each, and whether they would be met or not.

Comment 80. Most of the calls in this section are based on the full application of the various design criteria. But the Forest Service is a very poor track record of implementing such design criteria. The result is that the calls for the current management are more accurate given the likelihood that most of these actions will not be taken.

Response 80. We disagree. We have a good record of applying design criteria to our projects. As stated in the BE/BAs and MIS report, we have based our analysis and determinations on four critical assumptions:. They are

- 1. Each of the design criteria specified in the BE/BA and EA are fully executed;*
- 2. Appropriate monitoring of items specified in the Monitoring Plan and Implementation Plan of the BE/BA and EA will occur with the frequency necessary to effectively evaluate livestock grazing effects;*
- 3. Monitoring results will be used to determine an adaptive management action to bring about the desired change (achieving or moving toward the desired condition for allotments as stated in BE/BA and EA; and*
- 4. Appropriate adaptive management actions in BE/BA and EA will be implemented in a timely fashion (as defined in the Implementation Plan).*

If any of these assumptions are not carried out the resulting determinations are not valid and a reevaluation may be warranted.

Comment 81. Another telling paragraph is on page 87 where it discusses declining range condition in riparian area condition on many allotments over the past 20 years. Here again due to the uncertainty of the Forest Service actually implementing any of these so-called "tools" the calls for the various species under the proposed alternative are more likely to be in actuality like those of current management.

Response 81. See response 80.

Comment 82. The management proposed for the boreal toad is woefully inadequate given the information provided by the biologist. This needs to be corrected. This section also assumes that

"suitable habitat would have protective measures which would add considerable protective measures for toads and their habitats" but I fail to see in the proposed action specific actions addressing these habitat needs with these "protective measures"

Response 82. Please read design criteria 57-62, EA page 34. The BE/BA and EA clearly identifies what protective measures will be used within occupied boreal toad sites and in riparian areas in general. In addition, we have modified criteria #58 to also include the application of these protective measures to "known and adjacent potential (boreal toad) sites". This change provides additive protection measures to areas adjacent to known occupied sites that have a high potential or mostly likely to have or could have in the future boreal toads. This change provides additional habitat protection in areas that have not been surveyed and provides protection where they are most likely to occur. Lastly, this protects habitat that may not currently be occupied but is necessary for the expansion and recovery of toads in this subpopulation so that listing may not be necessary in the future.

Comment 83. The section dealing with MIS species clearly shows the absurdity of the forests choices of MIS species. A tree dwelling squirrel will tell you virtually nothing about the impacts of livestock grazing which is one of the primary uses on the forest. In addition, elk, a generalist and hunted species whose population is determined and managed for is likewise worthless as an MIS.

Response 83. The selection of MIS is a Forest decision beyond the scope of this EA. Amendment 30 to The Land and Resource Management Plan (LRMP) for the PSICC (Forest Service 2005) identified four MIS for the Pike and San Isabel National Forests. The process for amending the LRMP included a public comment period. The selection of these species meets Manual direction and guidance.

Comment 84. Even though 62% of the analysis area is winter range and 16% parturition areas the proposed action provides no criteria to manage for this crucial resource.

Response 84. Please read design criteria 8 and 22. By implementing these, there will always be suitable forage in the wintering areas. We addressed winter range in the MIS report and as discussed there state that the protective measures in the design criteria address habitat protection needs within winter range.

Comment 85. In the fisheries and aquatic invertebrates section we are concerned by the lack of information regarding habitat needs of the Rocky Mountain Capshell snail and Susana's purse making caddis fly and the lack of specific management criteria to meet their needs.

Response 85. We will enlarge the discussion to include a more comprehensive description of the habitat needs of Rocky Mountain capshell snail and Susan's purse making caddis fly. We feel the Forest standards and guidelines, Watershed Conservation Practices handbook guidelines and specific design criteria for riparian resources are sufficient to protect both species.

Comment 86. We are also concerned about the narrow definition of habitat type for the caddis fly.

Response 86. The caddis fly only occupies one site in this analysis area. Therefore we can very narrowly describe the habitat type that it occupies within the project area

Comment 87. On page 112 the EA states "hydrologic analyses of the springs proposed for development have not been conducted and the cumulative effect of these depletions is it unknown" this information is of course critical to the current NEPA process and further the analysis needs to include the mass of other water developments that have already been constructed. We find this section unsupported by research or experience as the EA assumes that there will be "benefit gained through better distribution of livestock across allotments and specifically out of riparian areas." The EA provides no information regarding how far the current range improvements in the proposed water developments are from water. The EA goes on to state that "ecologically the impact of livestock grazing and watering in riparian areas is much greater than the impact of livestock in uplands watering in a tank in a designated location away from sensitive areas." This statement assumes, falsely, the livestock will no longer use riparian areas. This is wholly false as we have stated before livestock use riparian areas for other reasons than just access to water. Such unsupported statements as above do not comply with NEPA.

Response 87. The proposed development table in the Range report does list the approximate distances from the source for each new water development. The gross generalizations and assumptions you state are based on parts of sentences taken out of context do not serve to make your point. NEPA requires a balanced, scientific, disclosure of conditions and effects. This discussion, in context, is part of that disclosure, thus it does comply with NEPA.

Comment 88. On page 121 it mentions "a beneficial effect of livestock grazing in these habitats is maintenance of the site in a more open condition" this is clearly unsupported by a wide range of literature showing that livestock grazing increases tree densities.

Response 88. Again, a sentence fragment taken out of context. By reading the rest of the paragraph one sees that the author was talking about use of fire as a management tool to support maintenance of open range.

Comment 89. We note that over 50% of the acres currently under analysis are in Watershed Condition Class III. Forest Service policy requires that the Forest Service implement management to "Improve all terrestrial ecosystems and watersheds to Watershed Condition Class I by the year 2020. (2522.02) Further, I request that you review the definition of WCC III and its management requirements. I think you will find that the massive suite of projects do not comply with this direction.

Response 89. We are very familiar with WCC definitions and the management requirements for each one. Our use of adaptive management, and the relocation of stock watering improvements will help move our streams toward WCC I.

Comment 90. The EA also states that significant portions of the allotments in question have soils rated as Severe Erosion Hazard. When you combine this with these severely degraded Watershed Condition Class one sees a disconnect between the conditions of the resources in question in the management being proposed. Clearly a wait-and-see attitude as is typified by the Forest Service's application of adaptive management is inappropriate given the conditions.

Response 90. Adaptive management will allow us to respond more effectively to problems that could lead to soil erosion, more effectively than our current management situation.

Comment 91. One wonders regarding the connection between parts of the NEPA analysis with such statements as on page 141 where it states "because of the changes in management (timing, intensity, frequency, shortening of seasons) vegetative cover should be increased on all upland in riparian areas." But neither of the action alternatives implement any of these four.

Response 91. The author was specifically addressing direct effects for soils under Alternative C, adaptive management. In addition, the adaptive management alternative clearly contains design criteria focused on the four stated practices.

Comment 92. Also telling on page 142 is "through decades of neglect, many fences, Gates and cattle guards are in disrepair and no longer serve their purposes of confining livestock." This indicates two very important issues, firstly, it shows that the permittees have failed to implement and abide by their contractual responsibilities which require annual maintenance of all range improvements and secondly, it shows a long-term failure on the part of the Forest Service to enforce the terms of this contract. In this process the Forest Service is proposing a huge increase in range improvements in the information regarding past compliance with permit terms and conditions such as the requirement to maintain range improvements is a critical issue to understanding the effectiveness and efficiency of the proposed action. This must be done to comply with NEPA.

Response 92. This was written by the Recreation Specialist specifically addressing some of the range improvements that are no longer used. Those that are used are maintained annually by the permittees. Those that are not useful for cattle management are either abandoned in place if constructed of suitable materials, or taken down and removed as time and money are available.

Comment 93. The section on heritage resources is woefully inadequate. While the various appendices mention severe impacts to historic and prehistoric resources the NEPA document fails to provide any details regarding current conditions nor does it specifically lay out management objectives and requirements to correct the current problems. This must be corrected.

Response 93. Design criteria were included in the Cultural Resource report, but inadvertently not included in the EA. We will include them in the final printing.

Comment 94. As we have stated before the financial analysis is completely meaningless the actual cost alone are probably 10 times the amounts listed. Staff time costs alone are far above

the measly \$6,000 a year projected. This of course does not include the massive new hardware proposed.

Response 94. As we stated before, we used the Forest Service standard software, Quicksilver, to develop the data in the EA. Costs were gleaned from several sources, and were current as of the report date.

Comment 95. Mere mention of “tools” is not analysis of the impacts of the implementation of those “tools”.

Response 95. Chapter 3 contains the discussions of effects from the use of those “tools”.

Comment 96. The EA failed to analyze impacts to designated Wilderness areas, special management areas or WSA's.

Response 96. We will correct that.

Comment 97. The EA failed to discuss the costs of implementing the hundreds of water developments, new fences, pipelines, etc. The implementation of these are being relied on for the impacts analysis, thus without knowing what the funding sources are it can only be seen as arbitrary. Even a rough estimate of the costs of the proposed projects would be close to \$2 million. Further vitiating the process, the FS failed to analyze the impacts of these proposed “range improvements”.

Response 97. The costs of implementing the proposed improvements are summarized in the financial analysis. The details are in the financial data sheets. Funding sources include Forest Service budget, permittee contributions, and financial assistance from other agencies and organizations. Examples are shown in the EA on pages 49 and 54. See also response to comment 94.

Comment 98. The EA failed to provide any review as to why the current AMP's failed, nor how the current proposal will correct these failures. The past/current management has all the same tools that are listed in the “toolbox” at its disposal, why were they not used previously, why were they not effective. These are critical elements necessary for a sound and defensible NEPA process.

Response 98. We responded to this issue in response 23.

Comment 99. The EA failed to implement a drought policy for these allotments even though drought combined with livestock grazing are the primary drivers in species community changes. Drought is a fact of life especially in these days of rapid global warming and management is incomplete without direction for how to address it.

Response 99. We disagree. By using GRI (among other tools) to evaluate our range conditions and effects of livestock grazing regularly we will be able to adjust our management strategy to adapt to drought conditions, and still keep the range in good or better condition.

Comment 100. While the EA discussed repeatedly a monitoring plan, we did not find anything in the EA that could be considered a monitoring plan. The brief discussion of protocols is not nearly sufficient especially given the fact that this project relies on adaptive management.

Response 100. We disagree. The monitoring plan is clearly laid out in EA pages 38-42.

Comment 101. To comply with NEPA there must be a thorough analysis of actions taken in the current AMP and why those actions failed. Without such an analysis, the proposal of more of the same actions in the proposed action can not be adequately analyzed.

Response 101. Again, we responded to this issue in response 23.

Comment 102. The EA states from FSH 2209.13 that “Current management will also be analyzed in detail ... if current management will meet the stated purpose and need for action.” Alt B certainly does not meet the purpose and need for action.

Response 102. We disagree. Alternative B can meet the purpose and need. However, we believe that Alternative C does a significantly better job of responding to the purpose and need as documented in the analysis.

Comment 103. The EA lists about \$2 million worth of “range improvements” but fails to describe where the money for these will be coming from, why all the current “range improvements” failed to achieve the purported goals, why the current array has not been properly maintained, nor why the FS has never taken action against permittees for failing to meet their contract obligations (permit terms and conditions), nor how the FS will be more diligent in correcting its behavior that has lead to the current situation.

Response 103. To answer your many parts, see responses 7, 10, 55, and 97.

Comment 104. WCPH has been in use on the Forest for at least a decade, why has it not been effective in bringing these allotments into compliance with the FP and why would anyone expect them to start to be effective now? The analysis is arbitrary and unsupported.

Response 104. The WCPH has been implemented for some time although not always fully and consistently. You completely ignore the successes that are on the ground now. It is our expectation that this decision is the next step in the continuous process of improving management.

Comment 105. The EA failed to determine site-specific capability and suitability as required by NFMA. It also failed to determine as required to determine in the forest planning process the suitability and potential capability of forest lands for producing forage for livestock grazing **and** for providing MIS habitat. 36 C.F.R. § 219.20. To accomplish this, the agency must estimate the capability of lands to produce suitable food and cover for selected wildlife species, and plan appropriate actions to restore those lands in less than satisfactory condition. *Id.*, § 219.20(a).

Response 105. 36 CFR 219 is about Forest level planning, not project planning. That determination is beyond the scope of this EA. Your 36 CFR 219.20 reference number does not exist. MIS is a concept adopted by the Forest Service (36 CFR 219.19) to serve as a barometer for species viability at the Forest (Planning Area) level. The MIS report addresses viability of MIS in the Planning Area. The MIS report discloses the amount of habitat for each MIS and analyzes the effects of each alternative to these species and their habitat capability. MIS hab cap was not analyzed using HABCAP because structural stages would not change under any alternative as documented in the MIS Report. For most key areas we met allowable use, for the vast majority of the acres in the allotments utilization at the end of the season was light to moderate, and that on average, close to 50 percent of the allotments are not Suitable and therefore have no more than incidental use by livestock. This means then that all of the non-Suitable range forage is left for wildlife, most of the light to moderate use area forage is retained for wildlife, all growth up to proper use in excess of allowable use on the key areas is available for wildlife – and critically, evaluations show no forage availability conflicts on the project area and none have been identified by CDOW.

Comment 106. The EA failed to provide any analysis as to the projects compliance with Forest Plan Standards and Guidelines or MA direction. Without a detailed analysis of this, neither the decision-maker nor the public can determine compliance. Broad statements are insufficient.

Response 106. Again, please read Chapter 3. There are specific references to the Forest Plan standards in the specialists' analysis.

Comment 107. We request that the Forest Service review *Influence of off-stream supplements on streambanks of riparian pastures* which we are attaching.

Response 107. This document was distributed to the Interdisciplinary Team for their review.

Comment 108. In addition we request review as part of BAS, Environmental, Economic and Legal Issues Related to Rangeland Water Developments – November 13 1997 Arizona State University, College of Law. Particular attention should be placed on the sections starting on pages 38, 236, 254, 268, 284, 310, 360, 461, 493

Response 108. Please provide a copy of said document for our review.

Comment 109. Further, we request that you review RMRS-GTR-54 which is highly applicable to the current process.

Response 109. We have it and will review it.

The following comments were received from Daniel Larkin, President, Rocky Mountain Bighorn Society.

Comment 1. RMBS supports the leaving the Arkansas S&G (Leadville RD) open and vacant and would support the elimination of this allotment altogether. Since the last grazing of domestic sheep many years ago, wild bighorns have repopulated much of the area, the herd is healthy and is expanding it's use of the range. Elimination of the grazing unit would preclude the chance of future management allowing reintroduction of domestic sheep or goats that could devastate the wild herd.

Response 1. The current decision for Arkansas S&G is to leave it open and vacant. Prior to another permittee using this allotment, another EA would have to be completed to evaluate the Permittee's proposed plan of operation.

Comment 2. The other existing cattle allotments listed in the DEA are not a current problem as far as grazing cattle in these areas. We appreciate the mention of Bighorn Sheep in the desired condition column for each allotment and support the comments. We would suggest an expansion of the lambing reference dates from May 1 - July 10 as lambing does occur during these periods although domestic grazing of cattle does not seem to present a problem at this time.

Response 2. Thank you for your supporting comments. We will consider your expanded dates in our management for areas where bighorn may lamb.

Comment 3. The RMBS encourages the US Forest Service to continue working closely with the Colorado Division of Wildlife to identify high value bighorn sheep areas and coordinate grazing allotment use with the needs of both domestic producers and the public at large.

Response 3. We continue to work well with CDW to evaluate critical wildlife habitat, and the best way to manage that habitat.

The following comment was received from James Aragon, Area Wildlife Manager, Colorado Division of Wildlife.

Comment. The draft EA has been reviewed by the District Wildlife Managers, Wildlife Conservation Biologist, and Area Wildlife Manager for the affected area and all would agree with Alternative C - Grazing using adaptive management as the preferred alternative.

Response. Thank you for your review and support of the preferred alternative.

The following comments were received from Mike Stiehl, Fremont County Commissioner.

Comment 1. The grazing industry in Fremont County continues to make significant contributions to our county's economy. Our heritage of working farms and ranches is important to the county as a whole.

Grazing permits on public land are valuable to each of the ranchers that have them. The extension of grazing into those lands allows them to manage their own land more effectively. And for many, the additional land is the difference between profit and loss.

Response 1. We agree, and we will continue to provide the opportunity for permittees to responsibly use the National Forest to maintain their cattle operations.

Comment 2. We agree with the multiple use doctrine, and grazing is definitely one of the multiple uses.

In addition, healthy rangeland is largely dependent on grazing. Native species of grasses have co-evolved with ungulates over centuries. Wildfire potential is reduced by responsible grazing.

Response 2. Grazing is one of the authorized uses for National Forest lands. By using adaptive management in the future we expect to keep the rangeland in a healthy condition.

Comment 3. In short, it is important to Fremont County that economical opportunities for grazing continue on Forest Service lands.

Response 3. The Decision Notices will affirm our support for continued grazing on National Forest lands into the future.