

Comment 1-56 was received from Western Watershed Project. Comment 57-58 was received from Taylor Ranches.

Comment 1:

Dear Paul,

Enclosed, please find our comments on the San Carlos Allotments EA. We incorporate all attachments by reference into these comments.

Unfortunately, due to a wide range of other deadlines these comments will be briefer than we would like. We cover here some of the main issues.

Firstly, this effort is definitely improved over the recent Salida effort. While the analyses seem more direct, there still is a disconnect between the issues described and the actions taken. This I find as a weak point in virtually all FS NEPA processes in which the specialists provide a fairly honest review of current conditions.

Response 1:

We received the six documents that you attached. We appreciate brevity. Thank you for noting your observation on this analysis as compared to the Salida EA. Our efforts and analysis will demonstrate that there is a nexus between the issues and the actions.

Comment 2:

The Forest Service needs to provide a complete listing of all applicable Forest Plan direction, standards and guidelines, as well as each of the Watershed Conservation Practices Handbook direction and how the proposed action complies with each. General statements that the project complies with Forest Plan direction are insufficient. The Forest Service needs to provide a rational basis for those conclusions.

Response 2:

Many of the Design Criteria starting on page 28 are taken directly from the Forest Plan, the Watershed Conservation Practices Handbook, or other recovery plans, and are included in the EA to emphasize those specific requirements. The statements of compliance are the reasoned judgement of trained, subject mater professionals, and reflect facts.

Comment 3:

FSH 2209.13 91.1 requires:

“Under the National Forest Management Act (NFMA), project level decisions which authorize the use of specific National Forest System lands for a particular purpose like livestock grazing must be consistent with the broad programmatic direction established in the LRMP. Consistency

is determined by examining whether the project level decision will implement the goals, objectives, desired conditions, standards and guidelines, and monitoring requirements from the LRMP.”

Response 3:

This is correctly quoted, and the direction followed by the EA is consistent with the Forest Plan. A thorough read through any section in Chapter 3 will reveal the detail that each specialist provided in compliance with Forest Plan standard or guidelines.

Comment 4:

A fundamental aspect of NEPA is to take a “hard look” at current management, conditions, assumptions and implementation. A NEPA document that fails to analyze the following violates the purposes of NEPA:

- 1) Validity of assumptions from previous NEPA processes
- 2) Accuracy of predictions from previous NEPA processes
- 3) Adequacy of Forest Service implementation of previous decisions
- 4) Permittee compliance with permit terms and conditions, AMP's, AOIs and other requirements
- 5) effectiveness of actions taken in previous decisions

Response 4:

We agree with your first sentence. However, there is no requirement, regulation or law that requires us to validate previous decisions. We considered other prior decisions in our analysis. As an example, the Black Mountain Decision Notice implemented many acres of timber harvest that opened up some potential grazing land. This was considered in this EA.

Comment 5:

These above items are absolutely critical to be part of this NEPA process. Without this critical link the validity of the current assumptions are baseless. Let's look at each one of these individually. Without analyzing the accuracy and validity of the assumptions used in previous NEPA processes one has no way to judge the accuracy and effectiveness of the current analysis and proposals. This vitiates the NEPA process.

The predictions made in previous NEPA processes also need to be disclosed and analyzed because if the accuracy was not there most likely you are making the same predictions in the current process and does you are process again will be vitiating.

Response 5:

To say that our assumptions are baseless because we don't validate previous decisions simply is not true. That is not the way the resource agencies are taught, or required to conduct their analysis. There is no requirement under NEPA to perform what you suggest. By using the best available science, we have looked at the available data and drawn reasoned conclusions about the expected results. We researched peer-reviewed documents, used current computer programs to evaluate data, and applied decades of professional interdisciplinary experience in the development of our analysis.

Comment 6:

A review of the adequacy of the Forest Service's implementation of current AMP's, AOIs and Forest Plan standards is essential to a valid NEPA process. For instance, if in previous processes, the Forest Service said they were going to do a certain monitoring plan or implement a certain type of management or require certain impact limits, that these were never effectively implemented, that is incredibly important for the reader and the decision maker to know. If there have been problems with Forest Service implementation in the past, it is not logical to assume that implementation will now all of a sudden be appropriate.

Response 6:

NEPA requires a "hard look" at the resource issues relative to the proposed action, and the alternatives presented in the EA. There is no requirement however, under NEPA to evaluate administrative actions in this light. Having said that, there is value to knowing the history of an allotment, and toward that end we include some history of each allotment in Chapter 3, the Range analysis.

Comment 7:

Another critical component is permittee compliance. If the permittee has failed to properly comply with their permit terms and conditions and AMP and AOI requirements, including utilization requirements, rotation requirements and fence maintenance then it is absolutely critical to discuss this in the document and its effects on the proposed action. Permittee failure to comply with permit terms and conditions and other requirements shows two things, firstly that the permittee has a hard time to implement even the minimal standards that are currently in place and secondly, it shows that the Forest Service has failed to take decisive permit action to ensure compliance. Both of these are very important aspects that must be discussed for a valid NEPA process, most especially when the FS as here is relying on adaptive management promises.

Response 7:

See Response 6 above. Permittee non-compliance is addressed through the administrative processes established for Grazing Permit Administration.

Comment 8:

Another critical component is an examination of the effectiveness of the actions taken in previous decisions. A classic example of this is fences and water developments. Often, new fences and water developments are proposed to solve riparian issues in spite of the fact that these have been used for many decades without correcting riparian issues. Doing more of the same that has not lead to good results is not an effective strategy for public lands management.

The EA states that the proposed action is in compliance with NEPA, the Forest plan and other relevant federal and state laws and regulations, but nowhere within the document are these requirements specified nor is any rationale provided to support that conclusion. This is critical for informed decision-making as well as compliance with NEPA so that the decision-maker and the public can review the logic provided.

Response 8:

During this analysis the effectiveness of existing improvements on allotments was carefully evaluated. Historically in the analysis area there have been some improvements, which were installed primarily for cattle management purposes, with resource concerns as a secondary purpose, if at all. In some cases existing watering tanks were located in riparian areas and existing fences were built in locations which contributed to poor distribution of grazing use. In addition over the years there have been changes on the allotments which have occurred such as boundary modifications, increased forage production, conifer encroachment, etc. These changes have influenced the effectiveness of existing range improvements. The situation on each allotment in the analysis area is unique and range improvements in combination with various management actions were needed in order to properly manage grazing use. The Rangeland Resources Effects Section in Chapter 3, specifically discusses how proposed range improvements would work in conjunction with riding, salting and the control of timing, intensity, and frequency of grazing use to meet desired conditions.

The laws, regulations and policies applicable to this EA are listed in Chapter 1. All of them are publicly available from many sources. To recite each one in the EA is unnecessary and is against the direction in the EPA regulations for NEPA to keep documents brief and to the point.

Comment 9:

FSH 2209.13 93.3a requires:

“The team, using an interdisciplinary approach, should identify the desired rangeland conditions within the analysis area. Desired conditions should be specific, quantifiable, and focused on rangeland resources.”

Table 1.6-2 does not comply with this requirement. For instance “Healthy riparian vegetation contributing to stable streambanks” is not specific or quantifiable.

Many benchmark sites don't even have general DC's defined.

Response 9:

Appendix 2 of the EA, displays the desired conditions listed by allotment and by resource for all the lands covered by this analysis. Table 1-2 on page 5 provides a look at the general conditions that we look for in each of the ecosystems listed. It is not intended to provide the information that is captured in Appendix 2. The tables in Section 2.5 also provide insight into some of our Desired Conditions.

Comment 10:

FSH 2209.13 93.3c requires:

“Identification of resource management needs is simply the comparison of desired conditions with existing conditions to determine the extent and rate at which current management is meeting or moving toward those desired conditions.” (emphasis added)

The EA failed to meet this requirement. To say conditions are “moving toward” is meaningless without this information. For instance, everyone admits these lands were basically unmanaged until about the 1950’s. Given how severely degraded these lands were up through that time, it would not be surprising that things look better than 1950, but is that “moving towards” sufficient?

Response 10:

The EA has effectively shown that conditions that are moving toward desired condition are in fact doing just that. Field data has been collected on these allotments over the last decade, and in many cases, much longer. That data was analyzed to reach the reasoned conclusions displayed in this document. Based on existing and future monitoring results, Land Managers with involvement of resource specialists, will determine if the rate of movement or change toward desired conditions is sufficient.

Comment 11:

FSH 2209.13 93.3f requires:

“There is a two-part decision to be made for authorizing livestock grazing. The first part is whether livestock grazing should be authorized on all, part, or none of the project area.”

The EA failed to provide any information at all regarding the first requirement.

Response 11:

This decision was made in 1984 as part of the Pike and San Isabel National Forests Forest Plan. Reviewing that decision was outside the scope of this analysis and document.

Comment 12:

As is universal within Forest Service grazing NEPA processes, the defining of the adaptive management process in this case is woefully inadequate. While the EA cites both FSH 2209.13 and the Quimby document, the EA does not actually implement the requirements of either. We request that you review the R2 Adaptive Management Guidance document which clearly defines the minimum level of adaptive management.

FSH 2209.13 93.3g defines adaptive management as:

Adaptive management is an interdisciplinary planning and implementation process that provides for: 1) identification of site specific desired conditions; 2) definition of appropriate decision criteria (constraints) to guide management; 3) identification of predetermined optional courses of action, as part of a proposed action, from which to adjust management decisions over time; and 4) establishment of carefully focused project monitoring to be used to make adaptive adjustments in management over time.

As stated previously, the DC's laid out for benchmark areas don't meet the requirement of the FSH. Additionally, as discussed in more detail in the Quimby document, "pre-determined" means "if this... then that", not just a general 'toolbox' with everything stuffed into it. And lastly, the EA's "monitoring plan" could hardly be called "carefully focused"

We attach the cited Quimby document with key sections highlighted. These sections need to be thoroughly reviewed as the EA does not implement most of them.

Response 12:

The definition of Adaptive Management listed in 36 CFR 220.3 states: "Adaptive Management. A system of management practices based on clearly identified intended outcomes and monitoring to determine if management actions are meeting those outcomes; and, if not, to facilitate management changes that will best ensure that those outcomes are met or re-evaluated. Adaptive Management stems from the recognition that knowledge about natural resource systems is sometimes uncertain."

The desired conditions for benchmark areas are laid out in Appendix 2, and the monitoring to measure attainment is displayed in the tables in Section 2.5 starting on page 43. This sufficiently meets the FSH requirements. What you did not state in your citing of Quimby's document is the part allowing for professional judgement and discretion. Since we do not know up front what our monitoring feed back will be, in setting a predetermined response to an unacceptable resource condition, we also have to evaluate the available options. That is the purpose of the "toolbox". The simplistic response to an overgrazed riparian area might be to eliminate that pasture from the rotation until the riparian area is healed. An equally effective response might be to fence out the riparian, or change the timing of that pasture's use. Those responses would not eliminate the forage available in that pasture, while the first response would. This response would still allow allow the riparian area to heal and will allow the pasture to be grazed. By

considering other tools in the toolbox, we may be able to solve the original concern, and not create new ones.

Comment 13:

We also include as an attachment a useful document written by the US Fish and Wildlife Service on how to write goals and objectives. This document meshes closely with the R2 document discussed above.

Response 13:

Acknowledged and appreciated.

Comment 14:

In every grazing NEPA process the Forest Service conducts, the principal need is "for greater management flexibility" but little rational justification for this need is provided. Virtually every so-called "tool" the Forest Service wishes to have as part of adaptive management, has been available to it for decades. Most of these tools are part of the normal permit administration process.

The falsity of the Forest Service's purported need for "flexibility" is clearly exposed in FSH 2209.13 – 92 which states:

"The majority of these changes can be implemented administratively, provided the changes do not fall outside the scope of the NEPA decision. Examples of actions that may be taken without further NEPA analysis include alteration of management to respond to Biological Opinions or other ESA, Clean Water Act, or other consultation requirements; changes in specific dates of grazing, class of livestock to be grazed, grazing systems, or livestock numbers based on evaluation of monitoring results; and, implementation of the LRMP through modifications to the term grazing permit. Administrative actions to implement higher level decisions or to respond to monitoring results should be undertaken as a routine administrative action prior to initiating NEPA."

Response 14:

What we need to understand is the integration of ground disturbing activities that require NEPA, and the administrative actions undertaken without NEPA. As quoted, "... provided the changes do not fall outside the scope of the NEPA decision." The flexibility that our professional resource managers seek is the ability to use all of the tools in the Adaptive Management "toolbox" to address resource and livestock management concerns. By limiting ourselves to only those administrative options we have available, may result in not implementing the most effective cure for a problem. By including some common activities that require NEPA in this

document, we can use them much more quickly to correct resource issues. That is the essence of the flexibility our managers need.

Because allotment areas are complex, management of grazing use on allotments has been carefully evaluated during this analysis. Changes which can be done administratively (grazing seasons, numbers, and grazing systems etc.) have already been implemented in the past on allotments. Since ground disturbing activities require NEPA construction or relocation of fences, installation of water developments, and construction of trails could not be done. Chapter 3, Rangeland Resource Effects discusses how these range improvements are critical and needed so that other implemented management actions like riding, salting and the control of timing, intensity, and frequency of grazing would also be successful. If professional resource manger's have the flexibility to use all management action tools identified in the analysis than desired conditions will have a better chance of being attained.

Comment 15:

In the species calls sections the Forest Service lists most species as "may adversely impact individuals, but not likely to result in a loss of viability on the planning area, nor cause a trend to federal listing or loss of species of viability range wide" but the document fails to provide any information regarding current populations or trends which is of course fundamental to a supportable call. For instance, if there are 30 individual plants of a particular species in the planning area or even in the forest as a whole is that a viable population? Would affecting 6 of those individuals not likely result in a loss of viability, assuming viability currently exists? This information is not provided.

Response 15:

The EA contains only 3 of 10 chapters the biologists prepared as part of their analysis, and only parts of those 3 chapters in the EA pages 118-157. This summary of the details supports the final determination they made for each species. More details are available in the rest of the BA/BE prepared for wildlife, fish, and plants which you requested and received. Population evaluations are done at the Forest Level using the current protocols.

Comment 16:

The EA fails to discuss actual use within the allotments. Actual use is critical because frequently actual use is significantly lower than permitted use. Therefore the analyses of current conditions must be based on the fact of actual use not permitted use. For instance 5

if 1000 head are permitted on a particular allotment but the 20 year average is only 500 head then current conditions are, of course, the result of actual use half that of permitted use. So analyses

based on full permitted use would be vitiated. Such information is fundamental to a valid NEPA process.

An excellent example of this is the Williams Creek and greenhorn allotments which the EA on page 71 states "since 2003, less than 45% of the permitted AUMs have been used". So the significant levels above riparian degradation are the result of only 45% of the AUMs being proposed to be authorized combined with a stunning 13 pasture rotation. How can the Forest Service rationally authorize the current permitted numbers when less than half are causing significant degradation? This critical issue has been ignored by the NEPA document.

Response 16:

Table 3-3 on page 106 shows permitted numbers and average numbers by allotment. Starting on page 60, the opening paragraph of each allotment description provides the number of cattle and the season of use for that allotment. It is this and other issues which caused us to design a 17 pasture system for this allotment. By establishing well defined use standards, desired conditions and design criteria, the more important focus is placed on the impacts to forage resources and not the percent of use being placed on it. Current permitted numbers authorized were reduced on the Williams Creek and Greenhorn Allotments during drought years because of the reduction in forage production and water availability concerns, Page 59 states "allotments in the project area were grazed voluntarily at reduced stocking levels from 1999-2008 and that "reduced stocking levels were run on allotments in order to allow grasses and other native plants to recover from the drought impact Page 72 states that areas on the Greenhorn and Williams Creek Allotments are recovering from historical grazing use". In Appendix 2, the existing condition of the Greenhorn Allotment it states "there is good willow component in riparian areas in the Greenhorn pasture". . For the Williams Creek Allotment, Appendix 2, describes how riparian areas in pastures are recovering from historical heavy grazing use.

Comment 17:

The EA provides details regarding the actions taken by the 2 action alternatives and one can see that with very few exceptions they are identical. The few exceptions where the action alternatives differ are extremely minor and could not rationally be construed to be significant. In addition, the Forest Service's argument that current management is inflexible is absurd. All the tools discussed have been available to the Forest Service for many decades and most can be implemented very easily through AOIs.

Response 17:

Please review response 14 which sufficiently addresses the issue of inflexibility. Please review Chapter 2 so you can see that all of the monitoring we listed there, along with the design criteria

and the proposed projects would constitute a significant difference in the two alternatives. The cost of doing the work, the information we will gather, the improvement in future operations, and the results on the ground will all show a significant difference from Alternative B to C. In Chapter 3 you will find the expected results from implementing the details laid out in Chapter 2.

Comment 18:

As is often the case with NEPA processes implementing adaptive management, we found no evidence within the NEPA document that the range of actions proposed as adaptive management had been actually analyzed for impacts or effectiveness. Further, we found no specific monitoring or measurable triggers or timelines which are necessary to define the adaptive management process. Adaptive management is solely based on monitoring as its foundation yet the Forest Service provided no commitment to conduct this monitoring.

Again for the short or long-term monitoring we found no commitment, locations, triggers or measurable objectives.

Response 18:

Section 2.5 of the EA sufficiently address the alleged deficiencies in monitoring.

Comment 19:

FSH 2209.13 94.2 requires:

“The evaluation of a proposed action’s environmental effects must include the potential effects of all adaptive management options that may be implemented at some future point in time. For example if one potential option is to fence off a riparian area, the effects of that fence must be evaluated even if that management option may never actually be implemented.”

This was not done in the EA.

Response 19:

The effects of potential adaptive management option were sufficiently addressed in this analysis. As an example, please see pages 78 and 79, the Range effects analysis for Alternative C. It states, “There are situations where allotment fences will need to be reconstructed or removed and constructed in new locations. Minor additional soil disturbance may occur during the installation of some of these improvements. Some trees may need to be removed to provide a clearing for installation and maintenance of some fences. ...fencing could become a barrier to some wildlife species movement if not installed to minimize or prevent this although design criteria will be implemented it ensure that this is minimized or eliminated.” This is but one example of the effects discussion contained in the EA.

Comment 20:

The MIS section fails to comply with the extensive case law regarding management and analysis of MIS species. We request that they Forest Service read through this wide range of case law and correct its analysis in order to comply with NEPA and NFMA.

Response 20:

We would be willing to review the “extensive case law” that you refer to and determine it’s applicability to this analysis. In it’s absence we will continue to follow Forest Service regulations and policies to produce the MIS analysis that is included in the EA.

Comment 21:

The analysis of impacts to and cumulative effects on cultural resources is insufficient. The document says that most of the suitable range areas have not been surveyed but that the few cultural resources known in suitable areas are being impacted. In addition the document states that continued livestock grazing "should not increase the potential for cumulative effects" which is of course not true. The programmatic agreement requires Class III surveys within potential impact areas. There is no evidence within the EA that this was done.

Response 21:

The EA says on page 188 that 14 cultural resource inventories were conducted “within the total area for all the San Carlos grazing allotments under study.” No where in the EA do we find your statements that “most of the suitable range areas have not been surveyed”.

Comment 22:

If you have a choice of paying \$1.35 per AUM on public lands and have all your fences and water developments constructed by the taxpayer why would you want to lease AUMs on the private market which cost 15 times that? So this "dependence" is manufactured by the below cost AUMs provided by the Forest Service.

Response 22:

This is outside the scope of the analysis.

Comment 23:

If the Forest Service only used the PFC method as discussed previously, the PFC method does not equate with "robust stream health" as required in the Watershed Conservation Practices Handbook.

Response 23:

There is no mention of PFC in this document.

Comment 24:

The EA states that general capability and suitability determinations were made at the Forest Plan level, but ignores the requirements of FSH 2209.13 – 91 which states:

“Although an area may be deemed suitable for use by livestock in a LRMP, a project level decision evaluating the site-specific impacts of the grazing activity, in conformance with the National Environmental Policy Act (NEPA), is required in order to authorize livestock grazing on specific allotment(s)”

Response 24:

We created this EA to conform with this requirement. The Decision Notice for this EA will authorize the grazing in those allotments. Chapter 3, Range analysis addresses suitability and capability. Appendix 4 discussed how suitability and capability are evaluated.

Comment 25:

We are confused by some of the information provided in the NEPA document. Page 18 states that the Williams and greenhorn allotments currently have a 13 pasture deferred rotation system with the grazing season of approximately 4 1/2 months. A simple division results in approximately 10 days of use per pasture, yet on page 8 the needs for this allotment include "more flexible and efficient grazing rotation" and efficient management of cattle on allotment, better distribution of cattle". There is an obvious disconnect between these 2 situations. It is virtually impossible to have cattle distribution problems and ineffective management in a system that allows only 10 days per pasture of use. Obviously, neither the allotment is horrendously overstocked or the supposed that 13 pasture deferred rotation system is a myth.

Similarly the devil's whole allotment is a 7 pasture deferred rotation, at least on paper, with 105 day grazing season resulting in only 15 days of use per pasture. Again, these supposedly need for action is "better distribution of cattle". Something is not correct here.

The Ophir allotment which is described as a "4 pasture deferred rotation grazing system" is in fact a 2 pasture rotation.

The Indian Creek allotment is listed as a 5 pasture deferred rotation with a 60 day use resulting in only 12 days of use per pasture yet again there is a supposedly need for better distribution of cattle. The Forest Service is not telling the whole story here.

Response 25:

Our management strategy is not as simple as dividing the grazing days into the number of pastures. We consider the potential of each pasture. For example, due to elevation and other factors some pastures may not be ready early in the season necessitating a need to be used later. We consider the forage available along with other possible factors. A dry small pasture may

only be used for 7 days where a large irrigated pasture may be used close to 20 days. There may be years where we want to rest a pasture, so it would be taken out of the rotation. Various factors such as elevation, topography, precipitation, forage production, and water availability are considered in order to determine how many days a pasture can be properly used annually. Some grazing allotments such as the Williams Creek Allotment contain a “swing pasture” which is used in the rotation only during drier years., Chapter 3, p.80 -86 specifically discusses why more efficient and flexible grazing systems as well as better distribution are needed on allotments. This intensive review is conducted annually and results in managing complex rotation systems to accomplish dynamic resource objectives.

Comment 26:

The NEPA document proposes the expenditure of a few hundred thousand dollars for additional so-called "range improvements" but fails to provide any information regarding the effectiveness and usefulness of this expenditure of taxpayer dollars.

Response 26:

All of chapter 3 is about the “effectiveness and usefulness of this expenditure of taxpayer dollars”. There is no free lunch. In order to accomplish meaningful grazing management objectives, we will need to spend money on monitoring, planning, purchasing, and implementing a variety of range improvements. It is important to note that half the cost of constructing or implementing new range improvements is assumed by the permittee. In addition, funding referred to as Range Betterment funds and that are used to cover the cost of improvements comes from grazing fees. Please see Chapter 2, page 22.

Comment 27:

The document lists a number of so-called "Design Criteria" nearly all of which are currently in place and have been for many years and are reflected in current conditions. For instance most of the allotments, at least on paper, have a significantly shorter use periods than the 20 days suggested in number 7 but the current conditions section describes significantly degraded riparian conditions. So the only 2 logical conclusions would be either, this has not been effective, or it has not been implemented in reality. Of course, either one of these conclusions were not discussed in the document.

Response 27:

You are correct in that many of our Design Criteria are in place and are practiced. We have listed them so that you and other readers would know about them. It’s one of our efforts to educate the interested public. You correctly deduce that the pastures get used much shorter than the 20 days we target in Design Criteria 7. But the assumption that we have “significantly degraded riparian corridors” throughout each allotment is incorrect. By taking our discussion of

a few hot spots and generalizing them over every stream channel, a false illusion is created There are only isolated areas of concern which have been negatively affected by grazing not in all riparian corridors of allotments. These riparian areas of concern are in an upward trend. See pages 60 -74 and Appendix 2 (existing condition) for information on where these isolated riparian areas of concern are located and how conditions of these riparian areas are improving and moving towards desired conditions. Historically livestock grazing which had negative impacts on certain riparian areas of allotments had already occurred before Design Criteria had been developed and implemented. Many of our Design Criteria are in place and are practiced. Implementation of design criteria such as Design Criteria 7, has allowed areas to recover from historic heavy grazing use. Examples of these recovery areas are seen in the Bonnet Park Pasture (Indian Creek Allotment), and Beaver Creek Pasture (Williams Creek Allotment)t. See pages 60 -74 and Appendix 2 (existing condition) for more specific information and more examples of how riparian areas have improved because of implementation of existing Design Criteria. Determining the number of days pastures can be used is much more complex. Various factors such as elevation, topography, precipitation, forage production, and water availability are considered in order to determine how many days a pasture can be properly used annually. Some grazing allotments such as the Williams Creek Allotment contain a “swing pasture” which is used in the rotation only during drier years. You considered only two facets of resource management, and propose a simple solution in a dynamic and complex scenario. Unfortunately, resource management as you portray is not a simple process.

Comment 28:

While this section looks nice on paper it fails to provide the specificity necessary for it to be implemented. For instance number 1 "maintain proper livestock distribution to achieve desired conditions". The document provides no specificity as to how this is to be achieved, the results if it is not implemented or the monitoring to ensure that it is implemented. Number 14 is similar, the document fails to provide information to the permittees of the public regarding where these heritage sites are or where the plant sites are. As a result it looks good on paper filling up the NEPA document but will not be implemented in reality.

Response 28:

Pages 37 -57 in the document specifically describe in detail how design criteria implementation and monitoring will be carried out under the Adaptive Management Alternative. Our staff of trained and experienced professionals do not need to have every specific detail laid out for them in order to follow these directions. They need only to be told what the objective is and they will strive to accomplish it. We do not publish the location of heritage sites because we do not want people to loot or destroy what is there. That is directed by the National Historic Preservation Act. We do not publish the location of TES plants for the same reason.

Comment 29:

We will provide available literature or as attachments regarding the myth of regrowth. Points 19 and 20 provide a minimum of 4 inch stubble height for riparian areas grazed "before August" which would mean any grazing through July 31, but in the next section it says that if livestock "gaze after August the riparian stubble height criteria would be 5 inches", but after August would mean starting September 1. In addition, this section states "5 to 6 inches" which is a worthless criteria since 6 inches is not a requirement so why is it mentioned.

Response 29:

We welcome peer-reviewed, factual research. Through interdisciplinary concurrence we established the 6 inch requirement with this document to address several resource concerns. The document does disclose those concerns.

Comment 30:

Section 21 provides the stock requirement to "manage livestock use through control of time and timing, intensity, and duration/frequency". While these are correct in a textbook sense the document fails to provide any information as to how these will be actually implemented. In fact, many of the allotments already have massive numbers of pastures yet significant riparian degradation continues to occur.

Response 30:

See response #28 and 29. Implementation is handled administratively. Crucial language from the Environmental Assessment, which includes Design Criteria items, will used to develop the Allotment Management Plan (AMP). This AMP document dictates specifically how grazing use will be managed on the allotment. In addition the AMP will become part of the permittee's Term Grazing Permit. The permittee will be expected to adhere to this AMP otherwise administrative action could be taken on the permit if it is not followed. The AOI is also a part of the Term Grazing permit. The Annual Operating Instructions (AOI) are developed for each permittee prior to the grazing season. Those instructions tell the permittee what they need to know to implement and manage to achieve our resource objectives. For example, where it's appropriate, one of those objectives might be to limit grazing in the riparian areas. The permittee might use salting, or a rider, or electric fencing, or shorter duration grazing to accomplish that objective.

Comment 31:

Despite the fact that the document discusses significant riparian degradation occurring through nearly the entire project area the document fails to provide any annual streambank trample move trigger to deal with these physical impacts.

Response 31:

See Design Criteria 19, 20, 24, 25, 26, or 34. These will accomplish what you desire. no where in this EA do we find the statement “significant riparian degradation occurs through nearly the entire project area” as alleged. It is not stated in the document because it is not fact.

Comment 32:

"Permittees will ensure that livestock do not contribute to the transport of noxious weeds onto the allotments" while this is a nice statement it is because it provides no specificity as to how it is to be implemented and what happens if it is not complied with.

Response 32:

See Response 30.

Comment 33:

51 provides that "all springs will be developed in such a manner as to protect the hydrologic function of the spring and the surrounding aquatic and terrestrial habitat supported by the spring" but the NEPA document fails to provide any information regarding the amounts produced by each of the springs within the project area and how much is being currently or proposed to be withdrawn. Again it's a nice statement.

Response 33:

See table 3-3, Water Consumption, on page 106. See table 3-7, Daily Water Consumption, on page 111. See the hydrology effects discussion from page 107 to 118.

Comment 34:

The wildlife section dealing with Mexican spotted owl likewise provides nice statements that the document fails to implement these.⁸

Response 34:

Without specific details, we cannot respond to observations noted only as “nice statements”. This EA is not the implementation document. It analyzes what would happen if we did implement something. The Decision Notice directs the implementation.

Comment 35:

On page 38 we see that the stubble height requirement will only be applied to “carex and juncus species” despite the fact that most degraded riparian areas are dominated by Kentucky bluegrass and dandelion.

Response 35:

Forest Plan guidance for managing Kentucky bluegrass is found in the plan under: *Management Direction Section, Range Resource Management (D02), pages III-35-40*. Please also review Design Criteria #22 on EA page 30. The “degraded riparian areas” are not dominated by Kentucky bluegrass and dandelion. It is not stated because it is not fact.

Comment 36:

This section discusses a six-inch move trigger a previous sections as discussed above describe a 5 inch trigger. This needs to be clarified.

Response 36:

Page 38, “This section”, discusses our short-term monitoring. Our trigger height requirements are laid out in the Design Criteria in Chapter 2.

Comment 37:

In section 2.5 we do not see the implementation of any annual streambank alteration trigger applied to the allotments.

Response 37:

Section 2.5 is our Monitoring, as the title indicates. It is not an implementation section. The annual stream bank alteration trigger is listed on Page 38 under “ Annual Stream bank Impact monitoring”. In section 2.5, page 45, Table 2-2 ., the specific stream bank alteration trigger for North Fork Bear and St. Charles Creeks is also listed.

Comment 38:

In many of the tables in this section we see for the riparian conditions that the trigger point is a "downward trend" but this fails to take into consideration the fact that these riparian areas are ready in significantly degraded condition and that anything less than a significant upward trend needs to be the trigger point.

Response 38:

The triggers we list are appropriate to the site they are associated with. There are only isolated instances where the riparian areas are “significantly degraded” within the project area. (See response 27). All of the the riparian areas of concern listed in the tables are in an upward trend. Since all the areas of concern are already in an upward trend, the trigger point was listed as being a downward trend.Comment 39:

The document fails to define drought which makes the implementation of any drought management difficult to implement.

Response 39:

"Drought is defined as a prolonged period of several months or more of below average soil moisture. A severe drought is when precipitation is more than 25 percent below normal. While drought usually is identified with years of low rainfall, drought can also occur when the seasonal distribution of rainfall is not favorable for plant growth or when temperatures are high. " Colorado State University Cooperative Extension Publication "Planning for Drought" (No.6.103), Bartlett, Leininger, and Roath. 1998. See EA page 56 for a discussion on drought response.

Comment 40:

The NEPA document proposes the construction of a cow camp for one of the permittees but fails to provide any information regarding the costs, who is paying for this construction or any information regarding why it needs to be constructed on public lands as opposed to one of the nearby private parcels.

Response 40:

Pages 22, 73, 84, 114, and 115 speak to this comment and concern. Costs associated with any improvement are generally shared with the permittee who benefits. See response 26. The location and use of a cow camp on the National Forest is strategic, and the objectives provided by this improvement could not be more effectively met by locating it on private land away from the allotment.

Comment 41:

Unfortunately, the no grazing alternative "analysis" uses, or I should say abuses, Knapp and Seastedt, to argue that without domestic livestock grazing, a non-native invasive species, the ecosystem will collapse. This is of course bogus. It is clear that the author of this section has not read the paper because a mere reading of the title clearly shows that it is entirely inapplicable to the Pike San Isabel National Forest. Since the office probably does not possess a copy of this misused paper, the full title is "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".

Response 41:

The concept of litter accumulation and reduction of production in highly productive ecosystems was used in the no grazing alternative analysis. Tall grass prairie and the riparian areas on the San Isabel National Forest are both highly productive ecosystems. The Knapp and Seastedt article discusses how there is a decline in productivity in other ecosystems as well as Tall grass prairie ecosystems when fire and grazing is excluded. Comment 42:

Page 77 states "many of the range improvements were constructed years ago, their location or design often is not consistent with current management direction or does not meet the needs to mitigate current livestock conflicts with other resource uses or environmental challenges." This critical piece of information is not translated into either analysis or action. There is no analysis regarding the current conditions locations or use of so-called "range improvements" nor their relationship to proposed new "range improvements". This of course is critical to inform decision-making.

Response 42:

Page 77 in the EA states, "Additional fencing is also needed in order to divide larger pastures in smaller areas they can be grazed more efficiently. The relocation and additional fencing would allow for grazing of riparian areas for a shorter period of time, and faster recovery of riparian/mesic meadow areas of concern." We agree, it is critical to inform decision-making, and as such, concludes that the analysis sufficiently meets the need.

Comment 43:

As an example, the devil's hole allotment as 12,695 capable acres and has 43 current water developments, or one water development for every 295 acres. Yet the proposed action includes many more. There is no information regarding the impacts of the current level of development or how the proposed action will improve things despite the fact of the massive level of development that has already occurred.

Response 43:

Concerns raised in this comment are addressed on page 80 and page 114. To simplify the distribution of water developments as if they were in a flat plain, instead of the mountainous allotment they occupy, does not consider the influence of topography, not to mention the variation in vegetation composition and distribution. Please see maps 15 and 16 in Appendix 1 for an actual portrayal of the distribution of water developments.

Comment 44:

Even on page 106 and the EA states "while a new or redeveloped to stock water improvement can aid in the distribution of livestock, a thorough evaluation of the existing water related infrastructure must be evaluated first". So even the NEPA document states that this is critical, but it has not been done.

To make matters worse the document states "in general, creating new developed watering sites in the uplands can improve distribution and relieve pressure on localized and adjacent riparian areas. The difficulty comes in achieving this on allotments where large numbers of existing water sites exist in the riparian corridor". This is exactly the case here where many of the allotments have huge numbers of developed water in riparian areas.

Response 44:

A sufficient and adequate evaluation of existing water developments was infact completed. See responses 8 and 43. In addition Tables 3-4, 3-7, and 3-8, and the accompanying text display and discuss existing water improvements and their daily water consumption rates

Comment 45:

On page 113 the document discusses the significant number of new watering locations but state that "again, the source would be depleted by the amount of water delivered to the storage structure during its period of operation" but the document fails to provide any information regarding production or depletion and thus, it has no basis on which to judge impacts.

Response 45:

EA page 111 discusses the requirements for water flow from springs. Table 3-7 on that page give a total flow requirement for each allotment. By comparing the required flow in table 3-7 to the number of watering sites listed in table 3-4, we find that most watering sites require very little flow to meet their water requirements.

Comment 46:

Like most agency NEPA documents this one likewise fails to provide an accurate picture. The proposed action is compared to current management as opposed to no grazing and results in inaccurate statements such as "overall, the direct and indirect effects of implementing the proposed alternative of livestock grazing using adaptive management would be positive in achieving or moving toward desired conditions for rangeland in riparian vegetation". Of course, this is false. The impacts of the proposed alternative are completely negative and provide no ecological or resource benefit other than of course, the private profit of the permittees. Now it may be that the proposed alternative is slightly less negative than current management but it is false to state that it would be positive.

Response 46:

We offer an objective analysis and discussion of the effects of grazing in this EA. There are some bad effects, and there are some good effects. Both sides are disclosed and discussed.

Comment 47:

On page 126 the document says "it is imperative that design criteria and critical monitoring are implemented to reduce any cumulative impacts to a level where they are insignificant and is accountable" but the document fails to provide any information regarding the implementation of these design criteria and monitoring at present. If the assumption in the assessments are that all the design criteria and monitoring will be implemented in history shows that this does not occur then the analyses are vitiated.

Response 47:

See Response 27 for past design criteria implementation. Chapter 3, Section 3.2, Range Management History and Condition, discusses in detail monitoring which has occurred over the years on allotments. Range folders on file at the San Carlos Ranger District Office contain many years of intensive monitoring information which has been collected to date. Sections 2.4 and 2.5 page 37to 55 shows future planned extensive monitoring. .

Comment 48:

Take 127 discusses the Mexican spotted owl recovery plan requirements but fails to actually implement them.

Response 48:

The EA is not a decision or implementation document. This document discusses the effects of actions. It does not implement the actions. The Decision Notice directs the implementation.

Comment 49:

In the same way the calls for the various TES species is based on a number of assumptions delineated on page 135, but again the likelihood of these assumptions being accurate has not been discussed.

Response 49:

The probability of these assumptions being met is high. The Design Criteria are developed early and based on policies or procedures that have already been met, or have a high probability of succeeding. The Monitoring Plan was created with the dedication of our professional staff toward seeing it implemented as designed, and succeeding in providing the resource data we need to make informed decisions.

Comment 50:

Besides the failure of the document to comply with recent case law regarding the management of MIS species, the 2 species discussed a little to nothing to do with the expected impacts of the actions and DOS, say nothing about the impacts of these actions.

Response 50:

This comment is confusing to us, but the gist of it seems to be that the MIS reports "... say nothing about the impacts ...". We disagree. Between EA pages 150 and 157 there is extensive discussion about the impacts that these alternatives could have on each of the subject species.

Comment 51:

On page 185 the document states in general, and where possible, conflicts between recreationists and livestock need to be reduced. This is especially true in high use recreation areas, developed sites and trailheads inside the allotments." This clearly is an issue of suitability and must be addressed during his NEPA process. Clearly many of the areas discussed in this section are not suitable for livestock grazing but the document fails to provide an analysis of this or take action to remove these areas from their respective allotments.

Response 51:

It's not a suitability issue. It's a timing issue in many places. The National Forest is a multi-user landscape. At our inception, we were charged with managing the land for multiple uses. Range and recreation were both identified as key uses of the forests. It's part of our mission to solve conflicts when they occur between these resources. We will use the Adaptive Management Toolbox to do just that. By adjusting timing in certain pastures, we can avoid grazing areas that are in high recreation demand during the primary use weekends. We do not need to exclude one use to accommodate another.

Comment 52:

Page 194 states "most, if not all, soil types in the San Carlo's allotments can be characterized as friable and easily eroded, with fragile plant covers. Thus, the cultural soils integral to archaeological sites in these allotments are extremely vulnerable to loss". While this may be true for the archaeological resource analysis it is of course also applicable to the soils analysis in which this is not reflected. In addition, no specific management actions have been taken in the proposed action to deal with the soils issues.

Response 52:

This was written by our archeologist, who is not a soil scientist. Our Soil Specialist did not write about the soils in this generalized fashion because it's not correct. There are four Design Criteria, 71-74, on EA page 35, that specifically are about soils. So we do have management actions that help to protect our soils.

Comment 53:

In the same section that discusses allotments characterized by "fair to poor range conditions" but the range section fails to discuss these areas in poor condition.

Response 53:

Again, this was written by our archeologist, who is also not a Range Management Specialist. Her generalizations in other fields of science are not those of the resource specialists responsible for those other areas.

Comment 54:

In addition the cumulative effects section for cultural resources like most of the cumulative impacts "analyses" within the document failed to come close to even minimal standards as laid out in a wide range of case law.

Response 54:

Please provide the "case law" that you are referring to.

Comment 55:

The analysis of the impacts to cultural resources in this section seems to be misinformed as it indicates that the proposed action would allow "no grazing in riparian areas, fewer days and more rotations" which the proposed action does not do.

Response 55:

You are correct. It is mis-typed. It will be corrected.

Comment 56:

We look forward to working with the Forest Service in fulfilling the intent of NEPA, NFMA and the other statutes and regulations the Forest Service works within, through a complete and accurate analysis of the impacts of the plan.

Response 56:

Thank you.

Taylor Ranches comments:

Comment 57:

Dear Ranger Crespin,

We have ranched in the Cuchara valley for the past 32 years and have used and managed the White Creek C&H Allotment. During the past many years we have worked closely with the USFS range technician and others to manage the allotment in an ecological responsible manner. As regards the document we received we strongly support Alternative B. During the time we have used the allotment the USFS and ourselves have maintained detailed records and photo spots to serve as reference source for allotment assessment. We have performed these duties as true stewards of the land and care for the allotment as we do our private ground. In an effort to control noxious or toxic weeds we have cooperated with the herbicide applicator and have him continue his efforts onto our private ground.

Response 57:

Thank you for your recommendation for Alternative B. We appreciate your help and willingness to manage this allotment diligently.

Comment 58:

I am impressed with the thorough manner that has been utilized in the Draft environmental assessment and commend you and the hard working team that put it together. We feel that rangeland allotment management is a unique partnership and we have learned a great deal about rangeland management through this association. We are very proud that we have been able to manage our White Creek Allotment in such a manner.

Response 58:

Thank you for recognizing all the hard work that went into making this document as comprehensive as it is. And thank you for your good stewardship in this allotment.