

May 9, 2005

Fremont National Forest c/o Environmental Coordinator

RE: Upper Sycan Grazing Allotment AMP EA Comments

FROM: Dan Serres, Friends of Living Oregon Waters (FLOW)

Dear Fremont National Forest,

We are writing on behalf of Friends of Living Oregon Waters (FLOW). FLOW is a group of conservation advocates in Oregon advocating for the protection and restoration of Oregon's waters. FLOW uses legal oversight and public education to help protect Oregon's rivers, watersheds, lakes, wetlands, and groundwater from the impacts of pollution and development. FLOW's office is based in Grants Pass, OR and we have statewide membership, including members whose interest is the protection and restoration of the Sycan River area.

INTRODUCTION

Overall, past and current grazing practices have extensively degraded the area comprised by the Upper Sycan grazing allotments. The EA calls for alternatives that would attempt to remedy the problem through increased monitoring and controls of the livestock herd. This mitigation is not proven effective and the USFS did not offer any evidence supporting how a monitoring program may avoid Clean Water Act, Aquatic Conservation Strategy and other environmental law violations. In addition, the effects upon water quality, plants, soils, wildlife, and recreation are severe. As stated in the reasons below, and because neither of the action alternatives provides adequate protection for aquatic and rangeland habitat in the Upper Sycan area, FLOW recommends the selection of the No Action Alternative.

Water Quality and Riparian Habitat

1. We are concerned that the EA fails to adequately describe the severity of water quality impacts to the Sycan Wild and Scenic River. The EA suggests that there is a general "upward trend" in riparian health, but fails to offer comprehensive and credible data to support this claim. The monitoring and field survey data does not necessarily possess adequate sensitivity to detect many of the most deleterious effects of grazing on the riparian and aquatic resources in the Project Area.
2. The mitigation measures proposed for controlling the impact of cattle on riparian areas and water quality are not proven effective. Indeed, aquatic resources have been impacted in the past by overuse of wet streamside areas, and the inability of the graziers to prevent this from occurring will not be remedied by suggesting that they enhance the approach (occasional monitoring and herding) that currently fails to protect the resources. The FNF fails to present a specific and credible rationale that links the proposed mitigation measures to desired future conditions.
3. Moreover, the past failure of the permittees to meet the terms of their permits should be within the scope of this analysis, as these instances might inform the likelihood of the proposed mitigation features to fail in the future. When the permittees fail in herding their

cattle away from sensitive riparian and wet areas, the FNF should take note of this and consider whether continuing this strategy will be effective in the future. Hence, past spatial and temporal overuse of the range should be considered well within the scope of this analysis, and an important element to developing a grazing system that does not fail to protect crucial natural resources.

4. Note the State of Oregon's official definition of water pollution:

Such alteration of the physical and chemical or biological properties of any water of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into the waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

5. Clean Water Act Best Management Practices, specifically W-8, state that Management by Closure to Use is acceptable. The objective is "to exclude activities that could result in damage to either resources or improvements resulting in impaired water quality." Further, it states "Closures are made when the responsible line officer determines that a particular resource or improvement needs protection from use."

6. Under the CWA, specifically for livestock grazing, cattle must be managed properly to: a) prevent trailing and trampling of streamside vegetation; b) prevent utilization from exceeding the standards; c) prevent repeated use during the growth stages of plant development; and protect, maintain and improve existing riparian vegetation.

7. Alternative 1 (no grazing) is absolutely the best alternative to for water quality. The EA states that "The elimination of livestock grazing would have the most significant improvement to riparian habitat because livestock tend to concentrate in riparian areas. The production and composition of tall sedges and willows in the riparian areas and mesic meadows should improve more rapidly than uplands due to their inherent productivity and resiliency as a result of greater soil moisture availability." (EA p. 58) Because neither of the Action Alternatives provides a credible method of protecting riparian areas from activities that have helped contribute to diminished soil, vegetation, and water quality, Alternative 1 is the best option for Water Quality and Riparian Habitat. Referring to water quality, the EA indicates that Alternatives 2 and 3 will rely heavily on monitoring and mitigation measures to meet state and federal water quality standards. The EA failed to adequately describe *how* this monitoring plan would work on the ground and be implemented, and what specific measures will be triggered by a given set of conditions to require amendment or cancellation of grazing in sensitive areas. The duty of FNF under NEPA is to provide the public with an opportunity to make informed comments.

Nonpoint sources of pollution may be regulated under the Clean Water Act. Specifically for livestock grazing, cattle must be managed properly to: a) prevent trailing and trampling of streamside vegetation; b) prevent utilization from exceeding the standards; c) prevent repeated use during the growth stages of plant development; and protect, maintain and improve existing riparian vegetation. Grazing increases stream temperatures by removing streambank shading and promoting channel widening. Streams associated with this project have been deemed "Water Quality Limited," such as Silver Creek and the Chewaucan; hence, the FNF should carry a high burden of proof for its activities not exacerbating the limited water quality in the streams in the project area. Furthermore, the presence of a water quality restoration plan for other streams recently listed as limited in water quality does not imply that the parameters for which they were once listed have been entirely remedied. In

fact, it is disingenuous for the FNF to imply that the water quality for the Sycan River and other streams in the allotments are not worthy of serious concern when the streams may still exceed maximum rearing temperatures, and when cattle grazing that depletes streamside vegetation may exacerbate this problem. Future grazing may once again cause these streams to be listed as Water Quality limited if riparian areas are not adequately protected, and the Action Alternatives in this EA do not present a specific and credible plan for keeping livestock from polluting streams and overusing streamside areas. The EA states, “The water temperature data from streams in the project area suggest that the majority of these watercourses are above the temperature standards set forth by ODEQ.” (EA p. 80) Hence, the EA should include a more thoroughly analyzed and scientifically defensible method of protecting the water quality in these streams than allowing extensive riparian grazing with only occasional monitoring and herding.

8. We are particularly concerned that areas with year-long grazing activity will fail to improve in condition. Some of these areas exhibit only limited similarity to desired conditions, both in terms of vegetation and soils. The EA provides an unsatisfactory rationale for how impacted sites will improve under the proposed grazing regime. For instance, the EA describes some of the riparian areas in season-long grazing areas:

“Within the Sycan Allotment, data indicate one riparian site would be at low similarity to potential. The other site is moderately similar. The site rated low is located on private waived land within the allotment and has been subjected to private land management practices in the past. The area is also a high use recreation area with direct vehicle access to the site. Under the Grazing Alternatives, grazing practices would continue to be administered by the Forest Service. However, other land use activities would be carried out as the private landowner wishes. The proposed grazing management should allow the site to move slowly toward moderate similarity. Other land management practices have the potential to minimize improvements. The moderate-rated site is expected to remain at a moderate rating.” (EA p. 66).

The EA, although it clearly attempts to incorporate site-specific data, offers no analysis that links the status of these sites and how they will be maintained or improved. The excerpt above demonstrates the FNF’s concern with locally impacted areas, but it fails to present the public with a specific, credible mechanism for the maintenance or improvement of conditions. Indeed, the EA proposes to continue grazing largely as it has occurred in the past, with no changes that can be shown to specifically ameliorate the worst of the cattle impacts near streams in the allotments. The FNF is required to present reasoning behind its conclusions, and the EA is fraught with instances where the FNF has offered the fruits of sporadic data-collection efforts alongside conclusions that either contradict or, at the very least, do not necessarily follow from the data and the on-the-ground conditions.

9. Because the FNF fails to adequately protect against impacts to water quality in the Action Alternatives, the No Action Alternative is the only one that effectively protects the fisheries resources in the Project Area. The sucker fish, among other trout species, will be impacted by this project, and the failure to design grazing practices that will protect stream health may undermine the health of fish species in the Sycan River and other streams. Grazing diminishes streamside vegetation, causes erosion in some areas, and contributes to biological contamination that can negatively impact fish. The FNF does not present, in this EA, a viable plan for ensuring the protection of the water quality that resident fish depend on; hence, its assertion that these species will not be negatively impacted is arbitrary. Sucker fish and bull trout are of particular concern, as the EA notes. However, the EA does not include sufficient analysis for the public to reliably conclude that the habitat and water quality for these species will be maintained or improved. Sedimentation, temperature, and

pollution effects can extend throughout a watershed, and the EA should include more a more thorough rationale of how the proposed grazing regime will fail to exacerbate these continuing impacts in project area streams, some of which have associated fish and critical habitat

10. After all, the Sycan River is federally listed as a Wild and Scenic River, and the FNF should manage the river with the goal of maintaining the outstandingly remarkable values of the river. The water quality and fish in the Sycan and other project streams are certainly a resource and value worth protecting.

Monitoring and Mitigation

1. “Trend in riparian vegetation/habitat is monitored through permanent photo points and vegetation plots that are designed to be re-read approximately every five years or as funding allows. These records are on file at the Paisley Ranger District office. Photo points for willow communities will be established in the Withers, Paradise Creek, Currier Camp, and Skull Creek allotments. Photographs would be taken at a minimum of every five years and the photographs compared to assess trends in vegetation health.” (EA p. 46) The distribution and frequency of monitoring in these areas may be inadequate to ensure that the USFS will be able to comply with its mandate to improve and/or maintain soil and water resources.
2. Monitoring is dependent on funding, according to the EA. We are concerned that monitoring of implementation and effectiveness in the Project Area has been too spotty to be proven effective in the past, and future vagaries of funding may undermine the ability of the FNF to ensure that the resources are being adequately protected. Because the future success of the grazing program depends on the ability of the Forest Service to verify the implementation and effectiveness of the project, the FNF should present a more detailed plan that includes specific triggers that would indicate overuse and failure to meet standards.
3. The EA states that a crucial mitigation measure is that “use would not begin earlier than two weeks before the established season nor end more than two weeks after the established season. If utilization standards are reached prior to planned dates, or resource condition warrant, livestock removal may be based on these factors rather than on the planned season of use date.” (EA p. 92)

Vegetation Resources

1. Noxious weeds are a problem in the Upper Sycan project area, as the EA has noted in multiple areas. We welcome FNF’s focus on noxious weeds in this document, and many of the control measures will be very helpful. Grazing often exacerbates the spread of noxious weeds, and the FNF could augment the efforts detailed in the EA by specifically protecting sensitive plant populations from grazing and the associated risk of introducing noxious weed species to these areas. Noxious weeds present a particular threat to small, sometimes isolated populations of sensitive species, and the EA should address these issues together.
2. Aspen have been negatively impacted by past grazing activities. Salting the cattle away from aspen stands may not adequately protect these areas from grazing impacts. The FNF should develop a more comprehensive strategy for promoting aspen regeneration.
3. The FNF needs to provide a more specific scientific rationale why its utilization standards correlate to a given set of desired conditions. Additionally, too much in the EA is left to be determined by the authorizing officer and annual operating instructions. “The prescribed utilization may vary at the discretion of the authorized officer but would not exceed the levels described in the alternative discussions or the Biological Opinion for listed suckers.

Forest Plan direction allocates forage resources on an allotment to meet the basic plant and soil needs as the first priority. Forage production above that needed for basic resource needs may be allocated to wildlife and permitted livestock.” (EA p. 47) The EA needs to offer the public more specific information about how utilization standards will be used to maintain desired conditions for soil, water, and vegetation on the allotment. Moreover, the EA should offer the public site-specific and scientific data to indicate that the utilization measures are actually linked to the desired conditions.

4. The FNF does not offer credible protections for sensitive plant populations, nor does it clear data that establish trends over the history of the allotment that can be linked either positively or negatively to past management strategies. Indeed, the Action Alternatives appear to be somewhat arbitrarily designed with respect to these species, as the mitigation (herding, monitoring, etc.) has not been demonstrated to keep livestock consistently away from areas that need and deserve protection because of their sensitive soil, vegetation or water resources.

Soils and Riparian Health

1. The FNF has failed to present adequate analysis to link its data to the conclusions it draws about the health of riparian areas and soils on the allotments. The EA states that “compaction appears to occur at minor rates or rates within natural recovery due to growth of ground cover in the local pine forest and sagebrush-steppe range. Analysis of ground cover hits were used to estimate general riparian conditions. With positive ground cover trends and mid-to-late species composition on the stream floodplains, the riparian areas within the project area are generally slowing and catching sediments” (EA p. 23). There are numerous local sites where soils and riparian habitats have been diminished in quality and productivity. The FNF does not adequately describe the foundations for its conclusion that these areas of impact do not represent a significant impact. The EA does not present data to corroborate its claim that detrimental compaction does not occur—in fact, it is unclear how the soils and riparian data presented directly relate to desired conditions, and what specific levels of compaction and riparian disturbance are commensurate with the maintenance of good conditions.
2. Utilization standards, both in upland and riparian habitats, may not adequately protect crucial soil and riparian resources in years of limited forage. The EA states that “Weather conditions and, consequently, forage production varies year to year. Permits with constant numbers and seasons of use result in variable percentages of utilization from year to year. The analysis of effects on upland conditions is based on average conditions, but actual utilization may have a substantial range in the amount of use that occurs annually.” (EA p. 56). The FNF has failed to present historical data that links forage production and past effectiveness in reaching resource goals with specific utilization standards. Because conditions vary widely from year to year, the FNF needs to demonstrate to the public that sensitive soil, water, and vegetation resources will be protected even in years of low forage production. The EA fails to provide this history and analysis, and hence it limits the public’s ability to understand and comment on the impacts of past and future grazing practices.
3. The FNF is required to maintain the productivity of soils. Particularly in wet areas, the EA fails to demonstrate how the Action Alternatives will attain this objective of maintaining or improving soil productivity. The site specific data for soils impacts are sparse, and the FNF fails to link its measurements to specific desired soil conditions. Its measurements for utilization and soil compaction are arbitrary and not validated for this specific range; hence,

we would suggest that the most sensitive areas (particularly riparian areas) be excluded from intensive grazing.

4. Whether or not specific streams are “functioning appropriately” or otherwise is discussed at some length in the EA, which relies heavily on qualitative and quantitative assessments offered by Watershed Assessments for different streams in the area. Some segments are “functioning at risk” or “functioning inappropriately”, and the FNF does not propose a specific method by which to protect these areas from further degradation. What the FNF considers an upward trend may, in fact, be a deceleration in the pace of degradation due to grazing. The EA does not offer an adequate baseline, nor does it thoroughly analyze data regarding cumulative impacts with regard to riparian health. In this respect, the EA masks serious impacts to segments of streams in the project area by describing the streams in vague terms such as “functioning” and possessing an “upward trend.”
5. The EA should detail more specifically the parameters used to establish these assessments and the site-specific data that form the basis of these reports. While we understand that the EA references Watershed Assessments, the public should not be forced to infer the conclusions and methodologies of these Assessments to assess whether the USFS is invoking them properly in the case of the Upper Sycan allotments. The FNF should tell the public how it has verified the applicability of the specific thresholds it uses for streambank stability and vegetative health for the Upper Sycan project area. If the numbers used do not relate to past, specific monitoring and data collection efforts that correlate to the attainment of specific desired conditions, then these standards and thresholds would appear to be a somewhat arbitrary basis for determining the health of riparian, vegetative, and aquatic resources in the Upper Sycan area. The FNF needs to be clear about what it considers to be baseline conditions for a “functioning” system, in terms of compaction, vegetative rooting depth, etc. Otherwise, the analysis presented in Section 3.4.1 of the EA leaves the public with little grounding in past and desired future conditions, nor does it account for possibly severe local effects that may enhance sedimentation and loss of isolated, sensitive plant resources.
6. Lastly, the FNF needs to make a clearer, more mechanistic argument that its proposed grazing will maintain or improve water quality and riparian habitat. Ultimately, the case may be that some riparian areas should be excluded from grazing entirely, and the EA fails to give adequate weight to the possibility that some wet, sensitive areas may simply be unsuitable for grazing in their present state. The conclusions of Section 3.4.1.7 are undefended based on the data presented in the EA. Indeed, our own experience tells us that there are widespread areas of intense grazing impact to the Sycan River, and other streams may be experiencing similar pressures. It is counter-intuitive for the FNF to suggest that continued grazing in riparian areas will “sustain or improve” the soil and vegetation in these areas, when past grazing activities have limited the functionality of these areas for maintaining water quality and vegetative conditions.

Recreational Impacts

1. The EA fails to analyze impacts to recreational users. Fishermen, hikers, and hunters use these areas and the FNF has failed to adequately analyze the possible impacts of continued grazing activity on these users of the Forest. The EA states that recreation was “not impacted by any of the alternatives being considered, and they will not be addressed any further in this document.” There is a marked qualitative difference to many recreational users to engaging in fishing, hiking, hunting, and other forms of recreation in areas heavily impacted by cattle versus undisturbed areas. There are several recreation sites in the Upper

- Sycan EA area, and the FNF is violating its responsibility under NEPA by not addressing these impacts.
2. Recreation in the Upper Sycan area is dependent on the resources that are impacted by the permitted grazing. The EA inadequately analyzes the impacts to water quality, wildlife, vegetation and soils—factors that determine the quality of recreational experiences in the area. The EA fails to account for the indirect effects of possible impacts to these resources (positive or negative) associated with the proposed action and the different alternatives. The FNF does the public a disservice by minimizing the impact of grazing to recreational resources; where the water quality is impacted by sedimentation, warm temperatures, and biological contamination, recreation in the area is also affected.
 3. Grazing can impact areas in a manner that diminishes the natural scenic value, particularly when allowed in excess and in close proximity to aquatic resources. In riparian areas, in particular, impacts near and in streams in the form of trampling, grazing, and fecal contamination diminish the scenic value (and hence the recreational value) of an area. This is not a negligible impact, and the EA absolutely should have considered this possible impact as a part of the analysis for the Upper Sycan allotments. Furthermore, the Sycan River is federally designated as Scenic under the Wild and Scenic Rivers Act. The FNF is mandated to uphold the outstandingly remarkable values for which the river was designated, and the nearly complete omission of any consideration of impacts to recreation and scenery in this EA is unconscionable and in violation of the provisions of the WSRA. We encourage the FNF to embark on a thorough analysis of how grazing impacts all of the outstandingly remarkable values of the Sycan, and in particular the impacts on recreation and scenery of grazing throughout the project area. It is not enough to state that no direct conflicts exist between recreation and grazing. When recreation activities—fishing, hunting, hiking, off-road vehicle use, etc—are in part reliant on water quality, scenery, and other aspects of the range that are impacted by grazing, the FNF cannot ignore at least the indirect effects of its proposed grazing activities. We consider the EA to be highly deficient in this area of its analysis.

Capability and Suitability of Range Not “Out of Scope”

1. “The proposed action was designed to comply with the Forest Plans and the livestock grazing standards and guidelines found in the Biological Opinion for listed suckers (1997). Authorization to graze the specific area is needed through a project-level NEPA decision (Forest Service Handbook [FSH] 2209.13 Chapter 90). If the decision is made to authorize livestock grazing within the Upper Sycan project area, grazing permits and AMPs would implement the applicable management direction from the NEPA decision.” (p. 12)

While the Forest Plan is supposed to establish suitability, the project-level planning is where we establish the specific, ground-level applicability of a suitability determination. Riparian areas should not be considered “suitable”, particularly near the headwaters of a Wild and Scenic River. The water quality of the Sycan River is impacted from the moment it springs out of the ground in the midst of the Upper Sycan Rangeland Area. The Fremont National Forest needs to demonstrate how and why the areas being grazed, particularly near rivers and streams, are suitable for grazing. Clearly, the suitability analysis is inadequate and the utilization standards too lax, given the high degree of cattle presence, manure, and trampling in the streams in the project area. There is no evidence in the Forest Plan or in the specific grazing plan that the Fremont National Forest undertook the detailed scientific

analysis necessary, considering both past and future impacts, to deem areas “suitable” for grazing.

2. The EA fails to demonstrate that, in concert with the Forest Plan for the Fremont National Forest, the area is being grazed in a manner consistent for its suitability or capability. The areas that are suitable for grazing obviously are not suitable for an unlimited number of cattle. The FNF fails to address adequately in this EA how past and future grazing practices will remain consistent and within the bounds of range capability. Indeed, while the FNF uses utilization standards as its indicators for whether or not the area is being overgrazed, these models themselves should be defended and buttressed with site-specific data that links a specific utilization level to an associated desired range condition. Insofar as the FNF fails to link its utilization models through a verified, validated scientific model that incorporates site-specific data, the recommendations of the EA are arbitrary and capricious, and may very well continue to diminish the quality of vegetation, soils, and water quality in the Project Area.

Forest Service regulations specify, “In forest planning, the suitability and potential capability of National Forest System lands for producing forage for grazing animals and for providing habitat for management indicator species shall be determined...” (36 C.F.R. § 219.20)

3. Has FNF actually determined if these lands within the Upper Sycan allotments are suitable for cattle grazing? The EA should clearly describe the basis for why these areas are suitable, how they are suitable, and how proposed management is consistent with the specific suitability and capability recommendations made in the Forest Plan. Suitability, incidentally, is defined under 36 C.F.R. § 219.3 as “the appropriateness of applying certain resource management practices to a particular area of land, as determined by an analysis of the economic and alternative uses foregone. A unit of land may be suitable for a variety of individual or combined management practices.”

Wildlife and MIS

1. There is a notable lack in this EA of analysis or reference to population-level data for MIS species. The FNF does not offer a specific, scientifically defended model that would act as a proxy for MIS data; hence, population-level data is required to ensure that MIS act as a reliable indicator for the health of the whole system. For mule deer, for instance, without population-level data it is difficult for the public to infer whether the FNF’s assertions about wildlife habitat health are well-founded.
2. The EA should offer a specific and credible rationale for how the grazing regime will help to maintain or enhance viable populations of vertebrate wildlife species in the area. The dearth of site-level data for all species, particularly for MIS, clouds the public’s ability to judge whether the USFS is meeting its burden in ensuring the maintenance of wildlife and game species in the area.
3. The EA does not go far enough in establishing a relationship between available forage, utilization, vegetative cover, and populations of wildlife species. The monitoring and mitigation proposed in this plan, particularly considering the substantial variability in range conditions from year to year, does not ensure that livestock grazing will not diminish the health and vigor of wildlife habitat. Without more population-level data and reasonable analysis linking this data to conditions in the allotment, the FNF appears to be managing the Upper Sycan allotments arbitrarily with respect to wildlife species.

Cumulative Impacts

1. The cumulative impacts analysis is largely relegated to a list of other impacts in and near the project area that affect negative resources. The FNF has failed to give specific analysis and rationale for its determination that the cumulative impacts of this and other projects will be insignificant. Particularly with regard to wildlife and water quality, the EA lacks adequate analysis to link the list of projects included in the EA.
2. Throughout the EA, in every aspect where cumulative impacts were considered, the FNF has failed to present the public with detailed quantitative analysis (not just acreages) that assess the effects of cattle grazing, past and present, in enhancing or diminishing the potential of maintaining and/or improving resources. This is a pervasive problem with how the EA is written. The EA includes vague qualitative references to other past management activities that may impact wildlife, fisheries, soils, water quality and other resources, but it does not rise above offering an arbitrary assurance that these past activities will not, in concert with the grazing proposed in this EA, constitute a significant impact.

Economics

1. Considering all expenses for the public in administering the grazing program, the FNF should clearly indicate that the program is not fiscally solvent. While this is not necessarily an argument for canceling the grazing program, it is worth noting that the public does subsidize the use of its public lands for grazing.
2. Subsidized grazing on National Forest lands place small-scale producers who operate on their own lands at a competitive disadvantage, creating costs in terms of lost revenues and jobs. While the Forest Service takes credit for creating jobs in the grazing industry, in many cases, the agency is simply displacing jobs that would otherwise be available for grazing cows on private land. The public land grazing permit artificially benefits the federal land grazer and puts the private land grazer at a competitive disadvantage.
3. On National Forest lands, ecosystem service values dwarf the value of our National Forests for grazing permits. Present day economic valuation does not include the value of maintaining wild fish species, recreation, or the cost savings to municipalities who have reduced filtration costs because water from National Forests is so clean.

By law, the Forest Service must maximize the net social and economic benefits of its management programs for all Americans and fully account for the benefits of ungrazed forests and the costs of grazing in its grazing permit program decisions. If the Forest Service took ecosystem service values and externalities into account, it is likely that few, if any, grazing allotments could be justified on National Forest lands.

4. According to 16 U.S.C. § 1606: “It is the policy of the United States (a) forests and rangeland, in all ownerships, should be managed to maximize their net social and economic contributions to the Nation’s well being, in an environmentally sound manner.” It is also the policy of Congress that all national forest lands shall be managed “to secure maximum benefits of multiple use sustained yield management.” (16 U.S.C. § 1606 (d)(1))

Congress passed the Multiple Use and Sustained Yield Act (MUSYA) (16 U.S.C. § 528-531) to establish the principle of multiple use on national forest lands, authorizing the Forest Service to administer national forests for a variety of uses including outdoor recreation,

range, timber, watershed, wildlife, and fish purposes. The MUSYA requires that decisions regarding appropriate land uses be based upon an analysis of the “relative values” of particular forest areas for these various uses (16 U.S.C. § 529) and that the combination of uses chosen “best meet the needs of the American people.” (16 U.S.C. § 531) Under MUSYA the Forest Service must complete a relative values analysis which demonstrates that grazing is the highest and best use of a particular forest area before issuing a grazing permit. Further, such an analysis gives “equal consideration” to the various uses and values: “One of the basic concepts of multiple use is that all of these resources in general are entitled to equal consideration.” (H.R. Rep. No. 1551, 86th Congress, 2nd Session, (1960), reprinted in 1960 U.S.C.C.A.N. 2377, 2379)

5. NEPA also directs the Forest Service, and other federal agencies, to develop environmental analysis procedures which “insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations.” (42 U.S.C. § 4332 (B))
6. Fencing is not a cost effective way to deal with riparian damage. In addition to often not working due to poor maintenance and snow/wind fences are prohibitively expensive. Alternative 3 proposes fencing for adjusting allotments to streamline livestock movements.

Summary

For the above reasons, we recommend that the FNF either expand and deepen its analysis of the Upper Sycan allotments, including a broader range of alternatives that fully protect the riparian habitats in the project area, or select Alternative 1 for the time being until the FNF can construct a scientifically defensible grazing plan. In its current form, the EA presents an “all or nothing” choice between very high levels of grazing, including intensive use of sensitive riparian areas that should be receiving strong protections under the Clean Water Act and the Wild and Scenic Rivers Act, and No Grazing under Alternative 1. We recommend the development of an alternative that focuses more intently on protecting the sensitive riparian corridors of the Upper Sycan project area. Otherwise, the EA will be deficient in its responsibility under NEPA to present a full range of alternatives to the public.

Thank you,

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