November 30, 2018

Submitted via email to: southwestern-gila-glenwood@fs.fed.us

Comments on the Proposed Stateline Range NEPA Project in the Gila and Apache-Sitgreaves National Forests

Dear Mr. Cutler,

The following comments on the Stateline Range NEPA EA are being submitted on behalf of the members of Western Watersheds Project who are concerned with the management of our public lands, and on behalf of the members of Wilderness Watch, a national nonprofit wilderness conservation organization dedicated to the protection and proper stewardship and administration of the National Wilderness Preservation System.

In addition to being an inappropriate level of NEPA analysis for a project this size and in this particular area, the EA here is insufficiently critical of the need for grazing in the Gila and Apache-Sitgreaves National Forests within important habitat for wildlife species, especially the Mexican gray wolf. Wildlife habitat is a precious resource on these allotments and this fact is not adequately considered nor are the impacts of grazing to wildlife habitat adequately analyzed. The alternatives do not adequately reflect the fact that livestock grazing on these allotments is not an activity the permittees are assured of engaging in.

As stated in the EA, the project is needed to “meet the requirements of the Rescissions Act of 1995 (Public Law 104-19), section 504, which requires that all range allotments undergo National Environmental Policy Act analysis...maintain or improve current satisfactory resource conditions and to improve those areas in unsatisfactory conditions to move toward desired conditions[,] and incorporate management flexibility through an adaptive management strategy consistent with Forest Service policy (Forest Service Handbook 2209.13, chapter 90) to adapt management to changing resource conditions or management objectives.” EA at 4.

The stated purpose for this project is to “authorize livestock grazing on the Apache-Sitgreaves and Gila National Forests in a manner that maintains or improves project area resource conditions and achieves the objectives and desired conditions described in the forest plans[]” and “provide long-term management direction on grazing through allotment management plans, including the permitted numbers and class of livestock, season of use, facilities associated with livestock grazing, allowable forage utilization levels, and associated permit clauses.” EA at 4.
For the proposed action, the Forest Service proposes grazing on 14 allotments in two states in three National Forests, including the Alma Mesa, Blackjack, Copperas, Hickey, Keller Canyon, Lop Ear, Pleasant Valley allotments in the Apache-Sitgreaves National Forests and the Alma, Citizen, Dry Creek, Holt Gulch, Pleasanton, Potholes, and Sacaton allotments in the Gila National Forest. The proposed project covers 271,665 acres and ranges in elevation from 4,400 feet to 10,491 feet. EA at 1.

The Forest Service has not explained why these allotments covering such a vast and ecologically important area have been lumped together into a single project. Nor has the Forest Service explained why these allotments are apparently a priority at this time. There is a reference to a “need to comply with the Recissions Act of 1995” but this does not sufficiently explain why these allotments have been lumped together in this project at this time. Even if all of these allotments are on the same time schedule and of the same priority for analysis, that does not explain why the Forest Service is choosing to tackle all of these allotments in a single EA. There is also no explanation why other allotments in and around the project area that have a similar NEPA schedule under the Recissions Act are not included as part of this project. For example, the Lower Plaza, Black Bob, and Wildbunch, The grouping of these allotments seems arbitrary and capricious.

Currently, 3,686 cows, 76 horses, and 45,867 AUMs are permitted on these allotments. EA at 1. Three are used seasonally, eleven are used year round. The proposed changes would alter the timing, duration and season of use to year-round for all allotments except for the Sacaton (which would be grazed from December 1 through June 30), Alma Mesa (which would be used during the dormant season), and Blackjack (two Coal Creek pastures would be available for winter dormant season use between November 1 and March 1 and the Mesquite Flat pasture which is currently in the Pleasant Valley allotment would be used in the fall) allotments. This project would change most of the allotments from seasonal use to year-long and would increase the number of AUMs on the allotments. There is a table (Table 5) summarizing the current livestock grazing management by allotment, but there is not a similar table summarizing the proposed livestock grazing management by allotment. EA at 30. Such a table would be extremely helpful for quickly assessing how many more cows will be added to this landscape.

Vegetation types in the project area include pinyon woodlands, juniper, grasslands, Ponderosa pine and Douglas fir. EA at 1. The San Francisco River runs through or adjacent to 10 of the 14 allotments. EA at 1. Given the well-known and well documented impacts of livestock grazing to riparian areas in the southwest, it is critical that the Forest Service take a hard look at the impacts of this project.

The project area includes the Blue Range Primitive Area, Gila Wilderness, Blue Range Wilderness, 79,990 acres of Inventoried Roadless Area (IRA) including the Hell Hole, Lower San Francisco, Mitchell Peak, and Sunset IRAs. EA at 1. The project area also includes 121 miles of National Forest Service hiking trail, 90 recorded cultural sites in Arizona, 261 recorded cultural sites in New Mexico, 5 endangered and 6 threatened species, and 26 sensitive species. EA at 2.

Clearly, this project area is incredibly rich in natural and cultural resources and ecological diversity. The project area also includes lands protected by federal regulations to ensure the Wilderness quality of those lands is not impaired. This is especially important at this time because, as you are aware, the Gila National Forest is in the midst of revising their Forest Plan and recommended
wilderness is a part of the forthcoming Forest Plan decision. The Forest Service’s decision for this project must not include any actions that would impair Wilderness character or preclude an area for recommended Wilderness.

We describe our concerns more specifically below.

**Mexican Gray Wolf**

The analysis of impacts to the Mexican gray wolf is insufficient and is contained on approximately ½ page of the EA split over pages 50 and 51. The majority of the “analysis” is an inaccurate recitation of the legal status of the Mexican gray wolf and a brief description of which agency manages the wolf as well as a few bullet points on that topic with possible actions that *may* be taken by the interagency field team *if* wolves establish a territory within an allotment or depredation occurs, a statement that no critical habitat exists for this species, followed by an unsupported statement about the preliminary determination that this project is not likely to jeopardize the species.

Notably missing from the EA is an acknowledgment of locations where wolves have already established territories in and around the project area and there is no direction to permittees about preventing their livestock from impacting the Mexican gray wolf. As you can see from the maps below, this project area is in the very heart of Zone 1 of the Mexican gray wolf Management Area. The impacts of this project on this imperiled species cannot be minimized.
On May 24, 2018, WWP sent a letter to the Gila National Forest responsive to the Forest Service’s Preliminary Proposed Forest Plan and we offered specific guidance regarding the Mexican gray wolf. We are again providing that information as it is highly relevant to not only the Gila National Forest, but the Apache-Sitgreaves as well. We have included our May 24, 2018 letter as Appendix A and ask that the Forest Service review that document in its entirety for this project.

As we stated in our May 24 letter, under the currently operative 2015 Final Rule for the Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf (80 F.R. 2512), the Mexican Wolf Experimental Population Area (MWEPA) stretches from Interstate 40 in the north to the U.S.-Mexico border in the south. The planning area at issue here is well within “Zone 1,” the area within which Mexican wolves may be initially released or translocated. *Id.*

Recent location data from the U.S. Fish and Wildlife Service indicates the wolves’ occupied range covers a large portion of the project area. *Id.*

The Forest Service must consider, analyze, and disclose the impacts of livestock grazing on Mexican wolves, especially regarding the effects on prey species. It is well understood that livestock significantly displace certain native ungulates. Wallace and Krausman, 1987. Some deer species are known to avoid cattle. Krämer 1973. Elk and deer densities can decline by as much as 92% in response to introduction of livestock. Clegg 1994. Because wild ungulates and cattle use the landscape in similar ways (by eating plants and moving about the landscape), but wild ungulates are more effective agents of landscape change in a reflexive relationship with ideas of land that stress natural amenities over production, (Hobson et al. 2006), the Forest Service must consider the habitat preferences of ungulates as part of this planning process. Frisina 1992. Given that each AUM allocated to livestock effectively redirects the same forage away from native wildlife, the Forest Service should accurately discuss the public trust resources (wildlife) being replaced by private profit (livestock).

Because the ecological costs of livestock have been clearly documented (e.g., Belsky and Blumenthal 1997, Donahue 1999, Fleischner 1994, Gillis 1991, Jones 2001, Mack and Thompson 1982, Milton et al. 1994, Painter 1995, using information garnered from reviewing published peer reviewed research and citations therein), advocates of public-lands livestock grazing (as the Forest Service appears to be for this project) must be able to demonstrate that low-impact management and ecosystem sustainability are possible, on the basis of careful use of the best available science. They must be able to demonstrate how ecological costs can be minimized. Alien taxa (including domestic livestock) and their associated infrastructure must be treated as a significant ecological stress, and negative impacts on native plants and animals, on soils and soil organisms and on all other aspects of impacted ecosystems must be anticipated and minimized. This can only be done if management decisions are made based on knowledge of the impacted flora, fauna, and ecosystems, and a management program firmly grounded in the best available science, not unsubstantiated opinions, misunderstanding, and misinformation.

As the Forest Service is well aware, livestock and wildlife grazing can modify plant community composition and structure, and overabundant populations negatively impact rangeland–watershed function and wildlife habitats. Danvir, 2018. Negative effects on wildlife may include avoidance of

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water sources by wildlife, forage loss and altered plant communities, altered bird communities, and impacts to soils and insects. Id. For this planning process, the Forest Service must fully analyze and disclose how the presence, number, and grazing intensity of livestock will impact the native and nonnative plant communities. This is especially important for summer months when cattle tend to exhibit more intensive foraging over extensive movements and can therefore forage in place longer than native ungulates. Clark et al. 2017.

We addressed our concerns about Desired Conditions for Livestock Grazing as it relates to the Forest Plan revision process on the Gila National Forest in our letter to the Forest Service dated April 27, 2018, and reiterated our concerns again in a letter dated May 29, 2018 wherein we further noted that the proposed Desired Conditions, Standards, and Guidelines for rangelands seemed to be contradictory given the best available science. As explained above, the science related to livestock grazing on federal public lands clearly indicates that livestock grazing in arid landscapes is incompatible with the proposed Desired Conditions, Standards, and Guidelines and for this project, the Forest Service must explain how the project complies with existing (for the Apache-Sitgreaves and Gila National Forests) and proposed (for the Gila National Forest) Desired Conditions, Standards and Guidelines, and must also explain how allowing and expanding livestock grazing in Zone 1 complies with the Forest Plans (both existing and proposed) and is consistent with the best available science.

The Apache-Sitgreaves and Gila National Forests provides all of the necessary ecological elements to support Mexican gray wolves. Unfortunately, there are many man-made elements that are putting the wolves in jeopardy. There have been high rates of human-wolf conflict during the nearly two-decades long reintroduction program. The population dropped by 12 percent, from 110 to 97, in 2015 with over a dozen dead adult wolves found during this time. While investigations by law enforcement continue, the majority of these losses were the result of illegal killing, one of the primary factors the USFWS cited in its determination that the species warranted listing under the ESA (80 Fed. Reg. 2488).

As part of this project, the Forest Service must provide strategic and proactive management and guidance to reduce wolf mortality. A greater emphasis on livestock management strategies that emphasize wildlife protection would reduce wolf losses and are a key, yet missing, part of the analysis for this project.

Specifically, we recommend that the Forest Service, as part of this project:

- identify and provide secure denning and rendezvous sites for wolf packs and management activities and livestock grazing prohibited during critical biological periods, including whelping and rearing;
- provide a secure condition for Mexican gray wolves by identifying, preventing, and addressing livestock-wolf conflicts, limiting and reducing human-caused wolf mortality;
- avoid or limit disturbance within 0.5 mile of known, active dens and rendezvous sites, incorporating measures to avoid or mitigate impacts of activities from April 1 to July 1;
- require the reporting of livestock carcasses within 24 hours of discovery, followed by proper disposal of the carcass within in or in proximity to established wolf pack home ranges, permits for livestock grazing;
• include specific best management practices to reduce livestock-wolf conflicts in the annual operating instructions for grazing permittees within or in proximity to established wolf pack home ranges. These BMPs should include, at a minimum, the removal of wolf attractants during calving season, increased human presence during vulnerable periods, use of range-riders diversionary and deterrent tools such as fladry fencing, airhorns, crackershells, etc. The Forest Service should provide additional information regarding conflict-reduction resources as they are developed;

• within established wolf pack home ranges, for these permits, the Allotment Management Plans, and Annual Operating Plans should incorporate measures to reduce livestock-wolf conflicts and include a clause requiring the modification, cancellation, suspension, or temporary cessation of activities to resolve livestock-wolf conflicts;

• allotments and permits in non-use status (such as the Pleasant Valley allotment) shall not be allowed to increase allowable AUMs when returning to use to help prevent livestock-wolf conflicts within established wolf pack home ranges.

• the number of active livestock allotments within established wolf pack home ranges should not be increased;

• existing allotments should only be combined or divided as long as doing so does not result in grazing on currently un-allotted lands or an increase in AUMs;

The determination that this project is not likely to jeopardize the Mexican gray wolf is unsupported in the record and based on the false premise that the species is “non-essential” and “therefore the preliminary determination is not likely to jeopardize the Mexican gray wolf. EA at 51. Further, there is no determination as to whether or not this project is likely to adversely affect the Mexican gray wolf. In short, the analysis and conclusions regarding the impacts of this project to the Mexican gray wolf are inaccurate, inadequate and must be revisited.

As the Forest Service is aware, whether a population is designated “essential” or “nonessential” affects whether federal agencies have a duty to consult with Fish and Wildlife Service (FWS) on certain federal actions under ESA Section 7(a)(2), not whether or not a project is likely to jeopardize a species. Where a population is designated “nonessential,” federal agencies are not required to formally consult with FWS on actions likely to jeopardize the continued existence of the species. 16 U.S.C. § 1536(a)(2). Instead, federal agencies must engage in a conferral process that results in conservation recommendations that are not binding upon the agency. Id. § 1536(a)(4). It is not clear from the EA whether this legal requirement has been met.

The statement in the EA that the Mexican gray wolf is “non-essential” is erroneous. While the FWS made a non-essential determination in 2015, that decision was challenged in court and in April of 2018, the court concluded that “because the effect of the 2015 rulemaking was to authorize the release of an experimental population outside its current range, a new essentiality determination was required and the agency’s decision to maintain the population’s nonessential status without consideration of the best available information was arbitrary and capricious. Therefore, the essential or non-essential status of the Mexican gray wolf is not as described by the Forest Service in the EA, the Forest Service cannot make a determination that the project poses no jeopardy to the species based only on the “non-essential” status of that species and may in fact need to consult with the FWS regarding this project and the impacts to the Mexican gray wolf, and all analysis that flows from these errors must be reconsidered.
Livestock grazing is and has been a primary cause of stream and riparian habitat degradation in the western United States. The negative impacts of livestock grazing in riparian areas have been well documented. Poff, et al. 2011, Kovalchik and Elmore 1994. The scientific literature reveals that livestock grazing negatively affects water quality and seasonal quantity, stream channel morphology, hydrology, riparian zone soils, instream and streambank vegetation, and aquatic and riparian wildlife. Belsky et al. 1999, Ohmart 1996, Elmore and Kauffman 1994. Invertebrate and small mammal habitat is improved by livestock exclusion from riparian areas. See, e.g. Herbst 2011, Hayward et al. 1997. There is evidence of the benefits of livestock exclusion within the project area, specifically in the San Francisco River, and within southern Arizona there is scientifically documented evidence of the improvements to riparian areas post-livestock exclusion from the San Pedro Riparian National Conservation Area (SPRNCA), which provides a robust record of improvement following livestock exclusion. From riparian canopy forest recovery to the increases in avian abundance, the scientific analyses of post-grazing effects in the SPRNCA form a strong record of the benefits of livestock exclusion that must be considered by the Forest Service while determining whether to authorize livestock grazing on these allotments where doing so will impact riparian areas. See Appendix C, Annotated bibliography of scientific research specific to livestock exclusion in riparian areas.

The cessation of livestock grazing in riparian areas can increase the abundance of small mammals that require dense vegetation. Soykan, et al. 2009. The substantial increase of plant cover at low height intervals that followed the removal of livestock from southwestern riparian areas can substantially increase the abundance of small mammal species that prefer cover characteristic of grassland or riparian woodland habitats. Soykan, et al. 2009, citing Duncan 1988, Krueper et al. 2003. These benefits have not been adequately disclosed or analyzed as part of the no action alternative.

The Forest Service must also analyze the impacts of the proposed livestock grazing in light of the known impacts livestock grazing in xeroriparian has on riparian areas. Levick et al. (2008) provide a comprehensive review of the ecological and hydrological importance of such systems, which provide important habitat also for many plant species (not just riparian-dependent species), refugia for plants and animals in times of drought (and climate change), a source of water for upland wildlife, and migration/ dispersal corridors. Further, the relationship to the riparian and xeroriparian areas to the uplands are a critical component of wildlife habitat in the project area. Upland vegetation is directly related to winter species richness and abundance of avian species. Strong and Bock, 1990. Overgrazing and destruction of grasslands are leading causes of bird imperilment in the southwest. Finch, C. Ed. 2005. Livestock grazing has numerous known impacts to uplands, including the effects of range developments on habitat integrity. Fleischner 1994.

Trespass livestock is an additional concern regarding riparian impacts associated with, but not analyzed as part of this project. There is a long history of unauthorized grazing associated with the allotments that are a part of this proposal that is undisclosed and unanalyzed despite the fact that this was clearly raised during the scoping period specifically for the Alma, Dry Creek, and Citizen allotments. The issue of trespass livestock was raised during the scoping period by at least three commenters and was very well documented by at least one commenter. EA at 71 and see also the comments and attachments submitted by the Center for Biological Diversity on January 16, 2018. The information submitted during scoping identified issues with downed fences as contributing to the
problem of trespass cattle, yet in this EA the Forest Service has identified additional fencing as a mitigation for trespass cattle. EA at 72. The issue of trespass cattle especially in the riparian areas and the San Francisco River are inadequately identified and analyzed, and there is woefully insufficient management direction to prevent further violations of court decisions and the Endangered Species Act. The Forest Service must adequately disclose, analyze and address these issues before this project can move forward.

The analysis of riparian areas suffers from the lack of site-specificity that plagues many of the other analyses in the EA. For example, the various reports that accompany the EA are not readily available because they are not posted on the website. WWP asked for these reports, then was required to submit a Freedom of Information Act request for these reports, but has not yet received any documents.2

This is the extent of the riparian analysis for the existing condition:

Riparian areas found within the Stateline project area were evaluated from 2016 into early 2018 using the proper functioning condition protocol (USDI Bureau of Land Management 2015) to determine both riparian potential and functionality. Stream reaches receiving either a proper functioning condition rating or a functional at risk – upward trend rating are considered to be in satisfactory condition and meeting or moving towards forest plan standards and guidelines. Reaches receiving either a functional at risk – stable or downward trend or nonfunctional rating are considered to be in unsatisfactory condition.

Of the 51 surveyed reaches, 43 were determined to be functioning properly. Two reaches (Lower Coalson on the Copperas allotment and Little Whitewater on the Holt Gulch allotment) were functioning at risk with an upward trend. Six were functioning at risk with no trend and no reaches were rated as impaired function.

The six reaches functioning at risk with static trend include:

- Alma Mesa Allotment - Dutch Blue Creek.
- Blackjack Allotment - Rattlesnake Canyon and Rustler Canyon.
- Copperas Allotment – Upper Coalson and Lower Bullard.
- Citizen Allotment – Webster Spring.

EA at 39. Aside from the lack of specificity of analysis for the 51 reaches, there is no indication how many miles of riparian areas or reaches are actually within the allotments. Do the 51 reaches encompass the totality of riparian areas? If not, are they representative of the rest of the riparian areas? How does the Forest Service’s riparian protocol for grazing correlate with the requirements of the Gila and Apache-Sitgreaves National Forests’ Forest Plans? In other words, can it be ascertained whether the results of the surveys clearly meet the goals, objectives, standards, guidelines, or monitoring and evaluation to protect riparian areas in those Forest Plans? Also, the one-time proper functioning

2 WWP submitted our FOIA request on October 31, 2018, which was assigned case # 2019-FS-R3-00845-F. As of the date of submitting this comment letter, WWP has not received any documents.
condition survey does not give adequate information to determine trend. Trend analysis requires consistent monitoring. Yet, the above quoted statement leads one to believe that one-time survey also determined trend. This renders the analysis in the EA inadequate for a Finding of No Significant Impact and prevented adequate public review.

**Invasive species**

Livestock grazing promotes the spread and colonization of alien plants, which can increase fire frequencies. Billings 1990, Billings 1994, Rosentreter 1994, Belsky and Gelbard 2000, Kimball and Schiffman 1993. Disturbance is a reliable indicator of alien dominance in vegetation composition, and livestock grazing is a significant disturbance. Brooks and Berry 2006. Further, weed invasions are strongly associated with livestock watering sites. Brooks et al 2006. The Forest Service has not adequately addressed this issue and, in addition, must analyze the cause and effect relationship of livestock grazing with the woody vegetation. See, e.g. Bahre and Shelton 1993

**Climate Change**

While we appreciate that the Forest Service does acknowledge and discuss climate change in the EA, the analysis is inadequate and the focus of the analysis is misplaced. The majority of the analysis related to climate change discusses how livestock operators/permittees will need to adapt their livestock practices to respond to changes in precipitation and forage production. EA at 78-79. There is a significant lack of analysis of the impacts of the project on the environment in light of the compounding impacts of climate change. For example, given the likelihood of hotter and dryer conditions in the southwest, how will removing water from the already rare and rapidly disappearing areas where water is now found naturally on the landscape impact species dependent on those natural water sources? How will this project exacerbate the already alarming impacts associated with the impacts of climate change on game species, threatened and endangered species, on Management Indicator or Special Status species? How will fencing and other related infrastructure associated with this project further fragment the landscape and how will this impact species already harmed by the rapid on-the-ground changes associated with climate change? How will this affect what the agency considers suitable range for livestock? These questions have not been asked nor answered. Again, this precludes a Finding of No Significant Impact and has prevented adequate public review and comment.

**Suitability, Condition, Trend**

The EA does not address the important issue of range suitability at all. Rather, it proposes 16.7 miles of fence, 28 storage tanks, 52 troughs, 46.5 miles of pipeline, 5 wells, 3 cattleguards, 3 solar panels, 1 trick tank, and 4 corrals. EA at 11. This suggests that because of lack of water, or other reasons, portions of what are considered suitable range actually are not suitable. There is no analysis of suitable range in the EA for each of the allotments and any verification of determinations made in the Forest Plans regarding livestock suitability.

There is inadequate site-specific analysis as to the current condition or trend of the allotments. Table 3 is general in nature and Table 4 reflects a trend for allotments with monitoring plots, but it

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3 This issue is not discussed in the EA at all, see the following section for more on our concerns.
does not break that down by range or ecological site or type in the allotment or how much of the allotment applies to the various trend measures. EA at 28 and 29. The EA does not disclose whether each pasture in the allotment has been monitored.

The condition of the allotments is not reported. An allotment in poor condition may have a static or slightly upward trend, but it would never reach the desired conditions in a reasonable time frame. The EA provides no information on how close to desired conditions the various transects are at the current time or whether individual transects could ever meet the desired condition. We are only told, in general terms, that some places are in such a condition as they won’t be able to improve.

The actual use numbers on Table 5 are revealing. EA at 30, 31, and 32. For example, between 2002 and 2016, the Hickey Allotment was rested for years, lightly grazed for three years, and was only grazed at 36 percent for the remaining years. Between 2002 and 2014, the Alma Mesa Allotment was grazed at 37 percent of permitted use. Between 2006 and 2015, the Pleasant Valley Allotment was rested. The other allotments range mainly in the 60 to 85 percent of authorized use. As such, trend and any condition data are affected by the actual use, which differs sharply from what is authorized and proposed in Alternative 2. It appears the allocation, at least initially, will be based upon numbers that have not been used for many years.

Infrastructure Associated with Livestock Grazing

There are not insignificant amounts of livestock grazing infrastructure proposed as a required part of this project – 16.7 miles of fence, 28 storage tanks, 52 troughs, 46.5 miles of pipeline, 5 wells, 3 cattleguards, 3 solar panels, 1 trick tank, and 4 corrals. EA at 11. We see no justification for the use of an EA for this level of infrastructure that will impact Wilderness, Inventoried Roadless Areas, Primitive Areas, and hundreds of thousands of acres of federal public lands.

The EA appears to minimize the impacts of improvements by noting that they will be removed when no longer needed. EA at 11. However, the timeline for removing these unneeded improvements is very unclear. For example, there is no explanation about how long the improvements (8 miles of fence, 2 dirt stock tanks, and 2 corrals) identified as unneeded on the Blackjack and Pleasant Valley allotments have been unneeded, how long it will be until these improvement are actually removed, nor any indication as to what the impacts of “removing” dirt stock tanks might be. EA at 11.

Livestock waters

There is inadequate analysis of the impacts associated with livestock waters. The EA does not identify the area of disturbance associated with the existing and proposed waters, nor does the EA adequately address or analyze the direct and indirect impacts of livestock waters on species in the project area, including species listed as threatened or endangered.

As the Forest Service is aware, the impacts of livestock waters on species such as the loach minnow and spikedace are significant. “Livestock grazing management also continues to include construction and maintenance of open stock tanks, which are often stocked with nonnative aquatic species harmful to spikedace and loach minnow (Service 1997b, pp. 54–77) if they escape or are transported to waters where these native fish occur. An indirect effect of grazing can include the
development of water tanks for livestock. In some cases, stocktanks are used to stock nonnative fish for sportfishing, or they may support other nonnative aquatic species such as bullfrogs or crayfish. In cases where stocktanks are in close proximity to live streams, they may occasionally be breached or flooded, with nonnative fish escaping from the stocktank and entering stream habitats (Hedwall and Sponholtz 2005, pp. 1–2; Stone et al. 2007, p. 133). 2012 Fed. Reg. 77, 36:10817.

Similarly, the Forest Service is aware that the Chiricahua leopard frog “has disappeared from more than 80 percent of its historical localities due to threats including… predation by nonnative organisms, especially American bullfrogs, fishes, and crayfish; the fungal disease chytridiomycosis and degradation and loss of habitat as a result of water diversions, groundwater pumping, and livestock management that has or continues to degrade frog habitats.” 2007 Fed. Reg. 72:106, 30821, emphasis added. Note that the threats listed above, beyond the direct impacts of livestock grazing, are indirect effects associated with livestock grazing that can be exacerbated by the presence of livestock waters and these effects must be analyzed in this EA.

For the 46.5 miles of pipelines and associated pumping, the EA fails to explain how pumping water through pipelines will impact the streams, springs, or other areas these waters are pumped from. EA at 11. There is no discussion of how the 4 miles of pipeline proposed for the Blue Range Primitive Area will impact the primitive resources found there. EA at 13-14. The supposedly forthcoming minimum requirements analysis does not provide the public with an adequate opportunity to review and comment upon those impacts. Further, there is no explanation of when water will be pumped, nor how much water will be pumped, nor what actions will be taken if permittees are found to have pumped more water than authorized or outside the prescribed pumping dates. Dewatering a stream or spring can have devastating and long-lasting impacts, especially on threatened and endangered species and this issue is not adequately addressed in the EA. For each allotment, the EA should have disclosed the volume of water to be pumped, the dates pumping is allowed, and actions to be taken if the dates or volumes are exceeded. The EA should also have disclosed the anticipated noise impacts from pumping equipment, and the potential for hazardous materials spills. Statements found in the EA such as “impacts may occur” without any specific information on the location or intensity of those impacts are inadequate. The public needs to know how many gallons of water (this specific phrase does not exist in the EA) will be removed from streams and springs, what impact that will have on those streams and springs and the associated vegetation and wildlife.

The noise impacts from pumps associated with the many miles of pipeline are not adequately disclosed, addressed, or analyzed. Noise is only mentioned twice in the entire EA, at page 76 in regards to the Alma Mesa Allotment’s Cabin Well power generator and at page 50, but only in the context of hazing wolves with non-lethal methods. The Forest Service is well aware that the noise associated with pumps can negatively impact wildlife and where threatened and endangered species or their habitat are present, these impacts can require a formal consultation with U.S. Fish and Wildlife Service and noise levels above a certain point or for extended periods of time or above a certain frequency (how often, not megahertz) will preclude a “not likely to adversely affect” finding, thereby precluding a Finding of No Significant Impact. Therefore, all existing generator-driven pumps must be analyzed for noise impacts to all threatened, endangered and sensitive species. Where these noise impacts have been analyzed in the past, they must be revisited in light of the impacts of climate change, extended drought, and increasingly fragmented wildlife habitat.
The EA fails to fully analyze the impacts of solar panel powered wells on springs and streams. Solar panel powered wells allow for continuous operation of the well and require fewer maintenance trips. This continuous operation of wells can have far greater impacts to water levels. This issue must be disclosed and analyzed in the EA.

**Fencing**

The EA states that “[r]ange improvements (for example, fencing) within or upstream of narrow-headed garter snake critical habitat minimize effects to the extent that they are insignificant and discountable or do not result in adverse effects during construction.” EA at 58. This circular statement that fencing minimizes effects and is therefore insignificant fails to consider the effects of the fencing itself on habitat.

Fencing is possibly required along the sensitive, ecologically important, and legally protected San Francisco River corridor to prevent the ongoing problem of trespass livestock, but the length, location, and type of fencing is undisclosed. EA at 12. More than a mile of new fencing is proposed within the Blue Range Primitive area on the Alma Mesa Allotment. EA at 13. Additional, but undisclosed fencing will be installed around a storage tank and trough within the Blue Range Primitive Area on the West Trap pasture. EA at 14. Several other water lot fences are proposed and it appears as if the length of these fences was not included in the total miles of fencing reported in the EA.4

**Roads**

As just one example of the inadequate analysis of roads as part of this EA, we note that for the Blackjack allotment this project will add “existing routes” as ML 2 roads open to the public and on the Motor Vehicle Use Map (MVUM). The Forest Service seems to ignore the on-the-ground impacts of these new roads because the roads have “existed for a number of years.” EA at 16. The roads may have been on the landscape for a number of years, but the impacts of those roads has never been analyzed or disclosed and through this project they will be swept under the proverbial NEPA rug. It is unclear what is meant by the statement “the roads exist in a General Forest Management Area.” EA at 16. See map 3.1 appendix C of the EA. Does this mean the roads exist in an area of the Forest not specially protected by the Forest Plan and therefore the impacts of those roads have not been analyzed? If so, this is erroneous because if the Forest Service plans to add these roads to the designated system and the MVUM, the impacts of those roads must be analyzed now.

Again, just as an example of routes that must be analyzed, there is a two track “road” along Coal Creek, north of Highway 78 and connecting to a two track approximately .8 miles long to Line Tank #7035. If these “roads” are added to the system they must be analyzed as new construction. The same is true of the two track “road” to Junipers Mesa which starts at Martinez Ranch Rd. 212 and Highway 78 and continues north to Junipers Mesa. This route apparently goes to Juniper Corral which was once a Forest Service administrative site.

When analyzing the impacts of these and other proposed roads, they should be treated as new construction which requires surveys and clearances for archaeological resources, threatened and endangered species, and watershed impacts analysis. The Forest Service must disclose how adding

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4 Water lot fencing proposed on West Trap, NM South and Beaver Trap. EA at 14.
these roads to the designated system, or the administrative system will impact road density in the 6HUC watershed for the allotment.

Wilderness, Primitive, and Inventoried Roadless Areas

In 1964, Congress passed the Wilderness Act “to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.” The law provided statutory protections for wilderness areas and established the National Wilderness Preservation System. The Act, among other things, mandated that wilderness areas be administered in a manner that will leave them “unimpaired for future use and enjoyment as wilderness” and that will provide for “the protection of these areas” and “the preservation of their wilderness character.”

The Wilderness Act defines “wilderness” in part: “A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.” Wilderness is “land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions…”5 In addition, wilderness should be “affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable.”

Grazing is recognized as a nonconforming use. The language in the Wilderness Act and the subsequent grazing guidelines do not mean livestock grazing must occur at any cost, rather, decisions about livestock grazing won’t rest solely on whether an area is designated as Wilderness. For example, a decision to close sheep allotments to protect bighorn sheep, as was done on the Payette National Forest, was made regardless of whether the allotments in question were Wilderness or not (most, if not all, were not).

The EA states that the Blue Range Primitive Area is to be treated as Wilderness for purposes of this analysis. EA at 73. Our comments also treat the Blue Range Primitive Area as Wilderness, with one possible caveat/question not addressed in the EA - because this area is not designated as Wilderness, do the Congressional Grazing Guidelines apply, either in whole or part?

This EA fails to analyze the impacts to Wilderness, Wilderness Study Areas (WSAs), or IRAs individually.6 For example, the general description of impacts such as to wildlife and riparian areas apply to all the allotments. As such, the analysis of and impacts to Wilderness, WSAs and IRAs is not fully disclosed. Because the range reports have not been made available, the analysis of special area impacts is at a programmatic rather than a site-specific level, making review and comment extremely difficult.7

The EA is equally non-specific on the beneficial impacts to Wilderness and other special areas as related to the no-grazing option:

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5 16 U.S.C. 1131(c) (emphasis added).
6 Only the Alma Mesa Allotment in the Blue Range Primitive Area has much explicit information regarding special areas and Wilderness. This is found in the EA on pages 75 to 77.
7 The same holds true for the analysis of other areas outside of these special management areas in the EA.
The environmental impacts from past livestock grazing activities are expected to persist for many years to come. As described in the “Range” report, many plant communities have crossed a state- and-transition threshold and are in a stable state that is not likely to change with changes in grazing management alone. Some areas exhibit a low- to mid-similarity ecological condition class or have the potential to move back into the mid-similarity class but may not move back to potential natural conditions.

EA at 75. Again, the lack of public availability of the “Range” report is telling as is the absence of site-specific analysis. It also suggests that the damage done by grazing can’t be rectified, at least in many places, therefore the attitude of the Forest Service is why not continue with grazing? But, this is indeed an indictment of past grazing management in Wilderness and other special management areas. The EA states, “[t]he wilderness portions of the Dry Creek and Holt Gulch allotments are in the upper, steeper elevations of the allotments where minimal livestock grazing occurs.” If there is minimal grazing, would it be a simple matter of removing the facilities and adjusting the allotment boundaries to keep out livestock? Given the minimal nature of grazing of these allotments, are the portions of the two allotments, which are in the Gila Wilderness, really suitable for livestock grazing? The Sacaton allotment also has some acreage in the Gila Wilderness. Do the same issues apply to that allotment? What about the small portion of the Alma Mesa Allotment in the Blue Range Wilderness and the small portion of the Alma Allotment in the Blue Range Primitive Area?

The lack of site-specific analysis is also an issue for the WSAs and IRAs. WSAs have language that provides statutory protection. The EA fails to disclose whether the wilderness character of the WSAs being maintained as it was in 1980. This must be disclosed. Will the proposed action meet the statutory standard for each of the WSAs? For example, the grazing exclusion for the San Francisco River is to continue with additional fencing possible (due to extreme levels of trespass or unauthorized livestock). Will new fences be constructed in the WSA? How will that affect the wilderness character of the area and will it lead to increased grazing in part of the WSA? A Finding of No Significant Impact for this project is not possible without at least a discussion of these issues and it is highly likely that these special designations preclude the use of an EA for this project.

Blue Range Primitive Area, Allotment Specific Concerns

For Alma Mesa the permittee has been authorized, since May 19, 1975, to use motor driven pumps, motor vehicles, and mechanical equipment within the Blue Range Primitive Area (BRPA). EA at 12. Later, the EA seems a bit contradictory in that this permission perhaps dates back to 1967 (Regional Forester) or to 1975 (Chief of the Forest Service). EA at 75. No history since 1975 is mentioned in the EA nor are any changes that may have been made in the past 40+ years noted. For the Alma Mesa Pasture the project would add 2.1 miles of pipeline, 2 storage tanks, and 2 troughs within the BRPA and water would be pumped from the Stateline Cabin well. EA at 13. Additionally, 1.55 miles of fencing would be added to the BRPA. EA at 13. But, three miles of what appear to be new fence would be located on the boundary. The map is unclear whether or not these miles of fence exist currently or are planned “improvements.” EA at 13 and A4. Solar panels would be added to the Stateline Cabin well and storage tank pump, but the size and type of panel is not described. EA at 14. The Maple/Charlie Moore Pasture is also largely within the BRPA (7,262 acres of the 12, 543 acre allotment are with the BRPA), yet the Forest Service proposes to add 3 miles of fence adjacent to the BRPA. EA at 13. West Trap, also within the BRPA, would get an additional 0.8 miles of pipeline, a
new storage tank, and troughs. EA at 14. For this allotment, the project will add 9.2 miles of fence, 6 new storage tanks, 7.1 miles of pipeline, 1 solar panel, and 1 corral. EA Table 1.

The EA does not explain how much motorized use would be required to build the new facilities in the BRPA, rather deferring that until later. EA at 13. There is no minimum requirements analysis available on the Forest Service website documenting whether all of the infrastructure in the BRPA is really necessary. The EA does not explain whether the distribution problem (EA at 13 and 76) could solved by better herding rather than fencing/trough construction/pipeline construction, whether adjustments in numbers would solve the perceived problem (over-allocation), whether changes in timing or season of use may solve distribution, and whether the allocation of livestock AUMs is based upon an erroneous calculation that more of the range is suitable for livestock grazing than is actually the case.8 In other words, there is no showing that the proposal meets the congressional grazing guidelines. Further, it is unclear whether the agency felt compelled by the congressional grazing guidelines to add facilities like fences, troughs and pipelines rather reducing livestock numbers.9 Lastly, the question of whether the allocation of livestock is based on unsuitable range (for example areas without water) is not addressed.

More generally, the project proposes to add 16.7 miles of fence, 26 storage tanks, 52 troughs, 46.5 miles of pipeline, 5 wells, 3 cattle guards, 3 solar panels, 1 trick tank and 4 corrals to the project area. EA Table 1 and 2. Some of this is in specially protected areas and this combination of facts precludes a Finding of No Significant Impact.

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**Table 1. Summary of proposed new improvements on Apache-Sitgreaves allotments**

<table>
<thead>
<tr>
<th>Allotment</th>
<th>Miles of Fence</th>
<th>Storage Tanks</th>
<th>Troughs</th>
<th>Miles of Pipeline</th>
<th>Wells</th>
<th>Cattleguards</th>
<th>Solar Panels</th>
<th>Trick Tank</th>
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**Table 2. Summary of proposed new improvements on Gila allotments**

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<th>Troughs</th>
<th>Miles of Pipeline</th>
<th>Wells</th>
<th>Cattleguards</th>
<th>Solar Panels</th>
<th>Trick Tank</th>
<th>Corrals</th>
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</tbody>
</table>

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8 The EA at 13 does admit one fence segment is to maintain current satisfactory condition. Is there an unreported downward trend for this area of the allotment?

9 One can’t logically read the grazing guidelines as constraining needed livestock reductions in Wilderness where such a decision could be made absent designation.
Lack of Adequate Monitoring and Analysis of Livestock Grazing Impacts

The EA inadequately analyzes the impacts of livestock grazing to native wildlife species that are affected by social displacement due to livestock grazing.\textsuperscript{10}

It is unclear whether the Forest Service has compared the known plant species in the project area to the Arizona or New Mexico rare plant lists or the Forest Service sensitive species lists. The project record should include a list of plant collections found in all of the allotments that are part of this project from the SEINet database (http://swbiodiversity.org/seinet/collections/index.php\#) and the University of New Mexico Rare Plant List (http://nmrareplants.unm.edu/rarelist.php). The Forest Service should compare these lists to see if there are any plants that require further analysis. Is there a plan to monitor for impacts to these species and if so, what actions will be taken if impacts occur?

There is vague information on whether supplemental feeding of livestock will be permitted, and if so, how it will be monitored or enforced. The EA states only that “[f]eeding of hay or other feed would be limited to feeding livestock temporarily confined to corrals and holding facilities. Forage certified to be weed free or commercially processed should be used.” EA at 9. Further, the EA states, “[a]lthough feeding of hay or other feed would be limited to occasional use for livestock confined to corrals, it could be an avenue for new weed infestations. Per “Guidelines for Weed-Free Seed, Forage, Mulch, and Fill Material in Region 3” (USDA Forest Service 2017), permittees should be encouraged to use a commercially processed feed or a certified weed-free forage since the region currently does not have a weed-free order for animal forage.” EA at 36. Notably, this is a stated recommendation to permittees, not a requirement, as permittees are only “encouraged” to use weed-free feed or forage and the region doesn’t even have a source of this important resource to ensure livestock grazing on public lands does not spread invasive species.

Similarly, the use of supplemental salt is inadequately analyzed and there is no plan for monitoring or enforcement. The EA states only that “[s]alt or supplement should be placed at least \(\frac{1}{4}\) mile from all water sources and away from roads, high-use recreation areas, known cultural sites or other known livestock concentration areas. Salt or supplement should be placed and moved to less utilized areas. No salting would occur within or adjacent to identified heritage resources.” EA at 9. Given that the entire area is likely to contain unidentified heritage resources and the road density in the project area is over 1 mile of road per square mile of land\textsuperscript{11}, it will be very difficult to ensure the recommendations regarding supplemental salt would be followed and it might be impossible to follow them in many areas.

The EA should analyze the degree to which trespass occurs now and assess the likelihood of it occurring in each of the allotments under the expanded, year-round grazing. The EA should also disclose the anticipated impacts of that trespass to all resources, including recreation, riparian areas, forage, and wildlife. Further, the EA should disclose, again for all allotments, how monitoring for trespass livestock and the impacts of that trespass, will be accomplished.


\textsuperscript{11} See Travel Analysis Process Reports (or TAPs) for the Gila and Apache-Sitgreaves National Forests.
The information on monitoring, generally, is inadequate and appears to have been deferred to the AOIs for each allotment. EA at 10. The EA does note that monitoring requirements for all allotments do exist, with an objective of achieving or moving toward desired conditions and that there are two types of monitoring – implementation (annual monitoring) and effectiveness (long term). EA at 25-26. Examples of each type of monitoring are given, but there are no specifics about timing and the monitoring language is permissive, not required and permittees are encouraged, but not required to participate in monitoring. EA at 26.

The EA indicates that several adaptive management protocols will be based on monitoring:

- water “improvements will be installed in phases based on monitoring” (EA at 23);
- “[a]dditional improvements are proposed for the other allotments in accordance with monitoring, funding, and priorities. If monitoring shows conditions moving away from desired, the adaptive management component of the proposed action allows for management changes to correct the trend;” (EA at 33)
- “[t]he authorized animal unit months would increase commensurate with the increased size of the allotment after two identified water developments and the fence along Dix Creek are installed and based on monitoring;” (EA at 34)
- “[c]ontinued monitoring and treatment of noxious weeds would help maintain the current plant communities;” (EA at 37)
- “[i]mplementation of adaptive management and the described range improvements where riparian conditions are not satisfactory in Rattlesnake and Rustler Canyons on the Blackjack allotment, Dutch Blue Creek on the Alma Mesa allotment, Lower and Upper Coalson and Lower Bullard on the Coppers alls Omega allotment, and Webster Spring on the Citizen allotment would move water quality and riparian resources toward satisfactory conditions. This would be done in conjunction with monitoring, adaptive management strategies and best management practices;” (EA at 43)
- regarding mule deer, “[t]he adaptive management proposed for these allotments emphasizes utilization monitoring to identify when action is needed to ensure overgrazing doesn’t occur which tends to shift domestic livestock grazing from grasses to browse species that mule deer are more dependent upon, particularly in winter;” (EA at 65)
- regarding heritage sites in Arizona, “2 sites are recommended for additional monitoring to determine if protection measures are needed;” (EA at 69)
- and in New Mexico “5 of the 261 sites in New Mexico requiring standard monitoring;” (EA at 69).

Monitoring information is important because it appears to be the basis for utilizing an EA for this project instead of an EIS, which is clearly the most appropriate level of analysis for a project of this size and in such ecologically important areas, appears to be based on monitoring to ensure impacts are minimal, yet that monitoring is not adequately described or even required, but just mentioned as a hopeful act: “[d]irect and indirect effects for all resource indicators for alternative 2 proposed for the Stateline Project show that minor effects to riparian, water quality, and soils conditions are anticipated. With implementation of best management practices, mitigation measures, monitoring, and adaptive management effects would be minimal and within State and Federal laws and forest plan guidance.” EA at 47.
Western Watershed Project’s Recommended Alternative

There is no explanation as to why the alternative presented by Western Watershed Project was not considered. We recommended the following: “The forthcoming alternatives should not be “all or nothing;” where the Scoping Notice admits that a “No Grazing” alternative will be considered, this should be considered at an allotment-by-allotment basis. The Pleasant Valley allotment should remain vacant and in non-use under all alternatives… The forthcoming EA should analyze a range of alternatives for this allotment, including withdrawing the allotment from grazing use based on suitability and other resource needs. ASNF Plan at 98… Whereas the Scoping Notice discusses problematic livestock effects on the Alma Mesa, Blackjack, Citizen, and Holt Gulch allotments (Notice at 4-5), the range of alternatives should include actions that address the recovery and restoration of these areas.” WWP 2018 Scoping comments at 1, 2, and 4. Instead of considering our proposed alternatives, the Forest Service appears to have ignored our prior comments regarding this issue, in violation of NEPA.

General lack of analysis

There are several issues that were not analyzed in the EA and we contend that this is in error.

- Air Quality (not found at all in the EA) – the complete lack of analysis fails to acknowledge that livestock grazing removes vegetation from large swaths of the landscape, hoof action disturbs desert soil crusts, and the potential for fugitive dust related to livestock grazing covers the entire allotment acreage.\(^{12}\) Air quality impacts should have been analyzed in the EA and the failure to do so precludes a Finding of No Significant Impact.

- Fuels/Fire Management – this issue was not analyzed in the EA. The Forest Service should analyze the impacts of livestock grazing on fuel loads such as invasive or fire-prone grasses.\(^{13}\)

- Visual Quality – other than the discussion of the use of a solar panel within a designated Wilderness area, this issue was not adequately discussed in the EA, which fails to acknowledge that removal of vegetation on thousands of acres of land by livestock, as well as the concomitant tanks, pipelines, generators, fencing and roads/two tracks, do have an impact on visual resources.

- Soils - The analysis of impacts to soils is woefully inadequate and contained entirely in a chart (starting on page 44) and two short paragraphs on another page (43), despite the project’s wide-ranging impacts on over 271,000 acres of public lands.

There is inadequate information about, or analysis of, the conflicts between livestock and game animals for all allotments in the project area and no site specific information on where fencing does not meet standards nor any site specific information on where forage production is impacting fawn production or whether or where forage production is impacted by livestock grazing.


\(^{13}\) Brooks et al. 2004; Mack and Thompson 1982; Melgoza et al. 1990; Belsky and Gelbard 2000.
There is no analysis of the impacts of livestock grazing operations on predators. This analysis must be included14 and the Forest Service cannot rely on the dismissive statement at page 47 of the EA that the potential effects of the proposed action on predators “was not identified as an issue or concern” because Western Watershed Project raised concerns about impacts to wolves in our scoping comments at page 2. EA at 47. The Forest Service must analyze the impacts of this proposed livestock grazing regime covering hundreds of thousands of acres on predators such as (but not limited to) coyote, black bear, mountain lion and the Mexican gray wolf, as well as the prey species associated with those predators.

**This project requires an Environmental Impact Statement (EIS)**

The use of an EA for this project fails to comply with National Environmental Policy Act requirements. The scope of this project alone is enough to require the preparation of an EIS. Please note that other livestock grazing projects for a single allotment can include between 50 to 100 pages of analysis and information (see, for example, the Bureau of Land Management’s EA for the Mt. Logan allotment (October 2018), or the Forest Service’s Gardner Allotment EA which is over 40 pages.) There is no explanation as to how, or why, this EA, covering 14 allotments, two National Forests, spanning two states and over 271,000 acres, has such cursory information about the allotments and so little analysis included in the EA. Furthermore, these allotments are adjacent to, or overlapping with, important areas such as the Blue Range Primitive Area, Gila Wilderness, Blue Range Wilderness, 79,990 acres of Inventoried Roadless Area (IRA) including the Hell Hole, Lower San Francisco, Mitchell Peak, and Sunset IRAs. EA at 1. The project area includes a section of the San Francisco River that has a long history of controversy surrounding the issue of livestock grazing and is currently under court ordered livestock grazing exclusion.

As we’ve stated, repeatedly above, the analysis for this project is inadequate. It took the Forest Service 26 pages just to describe the project, with analysis starting at page 27 for this two state, multiple allotment, hundreds of thousands of acres project. The analysis is largely charts of changes with little actual analysis and the analysis ends on page 80, for a grand total of 54 pages of “analysis” for a project that took ½ that many pages just to describe.

The proximity to and overlap with specially designated areas require a higher level of analysis in light of the intensity and context of this specific project. Similarly, the presence of threatened and endangered species and designated critical habitat covering vast swaths of the project area raise the level of analysis necessary to ensure compliance with federal regulations. See 40 C.F.R. §§ 1508.27(a) (context), b (intensity)). In assessing “context,” agencies must look at different geographic scales and the short- and long-term impacts of the proposed action within those different geographic scales (40 C.F.R. § 1508.27(a)). In assessing “intensity,” agencies must look at the severity of the impact based on several factors:

1. The fact that impacts “may be both beneficial and adverse” and that “[a] significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.” 40 C.F.R § 1508.27b(1).

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14 Berger 2006.
For all allotments in the project area, and from our review of the EA, there appear to be significant long-term negative impacts associated with livestock grazing that have been minimized in the analysis, resulting in an inadequate analysis of the intensity of these impacts to threatened and endangered species as well as specially designated areas.

For example, in the 2012 U.S. Fish and Wildlife Service’s final rule for spikedace and loach minnow livestock are noted repeatedly as having impacts to these listed species. “Livestock grazing has been one of the most widespread and long-term causes of adverse impacts to native fishes and their habitat (Miller 1961, pp. 394–395, 399), but is one of the few threats where adverse effects to species such as spikedace and loach minnow are decreasing, due to improved management on Federal lands (Service 1997c, pp. 121–129, 137–141; Service 2001, pp. 50–67). This improvement occurred primarily by discontinuing grazing in the riparian and stream corridors. However, although adverse effects are less than in the past, livestock grazing within watersheds where spikedace and loach minnow and their habitats are located continues to cause adverse effects. These adverse effects occur through watershed alteration and subsequent changes in the natural flow regime, sediment production, and stream channel morphology (Platts 1990, pp. I–9—I–11; Belsky et al. 1999, pp. 1–3, 8–10; Service 2001, pp. 50–67).” 2012 Fed. Reg. 77, 36:10817. Clearly, the impacts of livestock grazing management can be beneficial or adverse, but in no case can they be classified as insignificant. Furthermore, “there can be an increased threat from exposure to toxins in streams that have also undergone alterations such as…improper livestock grazing.” 2012 Fed. Reg. 77, 36:10815. Because improper livestock grazing is particularly harmful to spikedace and loach minnow, and because there is a well-documented history of trespass livestock grazing in the project’s riparian areas, these impacts should not have been minimized.

The Chiricahua leopard frog has disappeared from more than 80 percent of its historical localities due to threats including… livestock management that has or continues to degrade frog habitats. 2007 Fed. Reg. 72:106, 30821. Note that the threats listed above, beyond the direct impacts of livestock grazing, are indirect effects associated with livestock grazing that can be exacerbated by the presence of livestock waters.

2. “The degree to which the proposed action affects public health and safety.” 40 C.F.R § 1508.27b (2).

This issue has not been addressed in the EA at all. Water quality impacts from E. coli haven’t been adequately disclosed, nor have air quality issues.

3. “Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.” 40 C.F.R § 1508.27b (3).

As mentioned above, the allotment is adjacent or overlapping with multiple designated Wilderness areas, IRAs, primitive areas, critical habitat for threatened and endangered
species, and culturally significant lands. This alone is enough to require an EIS for this project. In context with the designated critical habitat in and adjacent to the project area, it is clear that a Finding of No Significant Impact is not possible.

4. “The degree to which the effects on the quality of the human environment are likely to be highly controversial.” 40 C.F.R § 1508.27b (4).

Unfortunately, the environmental impacts associated with livestock grazing are not scientifically controversial because they are well studied and the impacts are well-known to be highly detrimental to wildlife and watersheds. However, livestock grazing on federal public lands is a highly controversial issue, especially in recent years with ranchers taking over a wildlife refuge in Oregon, failing to remove their errant livestock from federal public lands in Arizona and Utah, among other states, and with livestock ranching “advocates” threatening violence against federal employees for trying to enforce livestock grazing regulations designed to protect those federal lands. In areas where Mexican gray wolf reintroductions have occurred, livestock grazing is even more controversial because grave concessions to livestock ranchers are often made to the detriment of the wolf. This controversy over how federal public lands should be used and managed has not been addressed in the EA.

5. “The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.” 40 C.F.R § 1508.27b (5).

See above. We have identified several areas of uncertainty or involve unique risks in our comments above.

6. “The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.” 40 C.F.R § 1508.27b (6).

The authorization of livestock grazing by federal land managers does appear to ensure that future livestock grazing will continue. There is a never-ending series of widely-spaced land health evaluations that identify allotments that are continuously in the “Improve” classification yet somehow also meeting land health standards. If lands never improve, but are also never identified as “unhealthy,” it is clear that authorizing livestock grazing on an allotment almost inevitably ensures livestock grazing will be entrenched on that allotment in perpetuity. Furthermore, public lands ranching provides an economic boon to livestock operators and entrenches the concept of welfare ranching.

7. “Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming

an action temporary or by breaking it down into small component parts.” 40 C.F.R § 1508.27b (7).

The Forest Service’s usual policy of authorizing livestock grazing on an allotment-by-allotment basis using EAs is a clear example of breaking down an action into small parts or determining it is temporary in order to render the impacts individually insignificant. Here however, rather than breaking this project up into small parts and analyzing impacts on an allotment-by-allotment basis to artificially minimize the impacts of livestock grazing on federal public lands, the Forest Service has lumped together a large number of allotments then failed to analyze the impacts of each allotment individually, thereby artificially minimizing the impacts of livestock grazing on federal public lands to a degree which is unprecedented in Region 3. Just as the Forest Service cannot break a project down into small component parts to avoid a finding of significant impacts, nor can the Forest Service simply ignore the significant impacts of a large collection of allotment authorizations.

Because livestock grazing is occurring on multiple allotments covering generations of livestock ranchers, the Forest Service has an obligation to analyze the impacts of livestock grazing on each allotment, to look at those impacts holistically to identify, disclose, and allow public comment upon, the actual, widespread, long-term, and significant impacts livestock grazing has on lands management by federal agencies for the public.

In the face of threatened and endangered species listing rules that identify the direct and indirect impacts of livestock grazing as significantly effecting those listed species, the Forest Service has, without support in the record, classified the effects of livestock grazing as insignificant. This is a violation of NEPA, as well as the Endangered Species Act due to the failure of the Forest Service to properly consult with the U.S. Fish and Wildlife Service for this project on multiple species.

Strangely, the EA indicates that “there are no known sensitive plant species in the project area[,]” and therefore the risk to plant species from this project is low. EA at 67. However, this project covers over 271,000 acres and it is nearly inconceivable that there are no occurrences of sensitive plant species within that vast amount of land which includes rare riparian habitat as well as critical habitat for several listed species.

Further, the cumulative impacts associated with the unauthorized and/or illegal actions of government officials and/or permittees or landowners in and around the project area have not been disclosed at all. As just two examples that are known to either the Gila or Apache-Sitgreaves National Forests (or both): in the Sunflower allotment, just west of the project area, a local rancher bulldozed over 20 miles of “road” into an IRA without any authorization and Catron County residents and officials illegally bulldozed a “road”
in an IRA crossing the San Francisco River 47 times. These impacts to IRAs and riparian areas within or adjacent to the project area must be disclosed and analyzed.

8. “The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.” 40 C.F.R § 1508.27b (8).

There are 90 known historic sites within the project area in Arizona alone and 17 of these are within 100 meters of proposed improvements. EA at 68. There are 261 sites in New Mexico that require monitoring and at least one that requires protective fencing to prevent damage from livestock trampling. EA at 68. There remain an unknown number of additional historic sites within the project area. EA at 11. Only “if treatment and management recommendations are followed” are these important cultural resources anticipated to be protected. However, there is significant evidence of a lack of compliance with management recommendations in the project area and therefore the Forest Service cannot rely upon compliance to minimize the impacts to these resources and therefore, the Forest Service cannot proceed on the basis of an EA and a Finding of No Significant Impact is precluded.

9. “The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.” 40 C.F.R § 1508.27b (9).

There are several federally listed threatened or endangered species within this project area. While the EA minimizes the impacts of livestock grazing on these species, the U.S. Fish and Wildlife Service has identified livestock grazing as having significant impacts on listed species and even identified livestock grazing as a potential cause for the need to list species. (See above.) In light of the well-documented ongoing inability of livestock operators and Forest Service personnel to prevent trespass livestock in riparian areas with the project area, the Forest Service cannot rely upon “well managed” livestock operations to artificially minimize the impacts of this project.

10. “Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.” 40 C.F.R § 1508.27b (10).

There are issues with trespass/errant livestock on this allotment. This information is not adequately disclosed in the EA, but the Forest Service was made aware of this information during the scoping period. Because trespass livestock are not adequately disclosed or discussed in the EA, the public is not able to review or comment upon violations of the grazing permits, nor on potential Wilderness Act, NEPA, FLMPA, or

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17 See Appendix E, CBD scoping comments and Appendix E.1, CBD scoping appendix.
18 Id.
other violations related to trespass livestock. Similarly, it is unclear whether the changes to the number and location of AUMs in this project will have the effect of increasing livestock grazing (authorized or unauthorized) in the adjacent Wilderness areas.

As we note above, the sheer scope of this project clearly precludes the use of an EA and there are many reasons that a Finding of No Significant Impact is inappropriate.

Where FLPMA requires that goals and objectives for public lands be established by law as guidelines for public land use planning, and that management is on the basis of multiple use and sustained yield, it adds, “unless otherwise specified by law.” §102(a)(7). And “multiple use” is specifically defined in the statute as, in part, “making the most judicious use of the land for some or all of these resources...the use of some land for less than all of the resources... with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.” §103(c). Simply because the overarching land management plan describes these allotments as “available” for grazing doesn’t preclude the agency from taking a hard look at the balance of uses at the site-specific level.

Therefore, Western Watersheds Project and Wilderness Watch encourage the Forest Service to revise the existing environmental analysis to correct the deficiencies we have identified above. We look forward to reviewing the next step in this NEPA process for this project.

Sincerely,

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ATTACHMENTS
Appendix A and ask that the Forest Service review that document in its entirety for this project.
Appendix B Mexican Gray Wolf non-essential map:
Appendix C, Annotated bibliography of scientific research specific to livestock exclusion in riparian areas.

REFERENCES:


