



WILDERNESS WATCH

Keeping Wilderness Wild

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Sent via Email to: comments-northern-gallatin@usda.gov

RE: East Paradise Range Allotment Management Plan

Dear Ranger Sienkiewicz:

These are comments from Wilderness Watch on the East Paradise Range Allotment Management Plan. Wilderness Watch is a national conversation organization dedicated to the proper administration, protection and stewardship of the National Wilderness Preservation System. We have serious problems with the proposal and urge you to adopt Alternative 1.

Wilderness

The provision allowing grazing in the Wilderness Act is an exception to the general premise of the Act, which requires agencies to manage wilderness areas to preserve their wilderness character and natural conditions. The Wilderness Act is not a procedural statute, though the agency often behaves as though it is. It is a substantive law passed because all the federal land management agencies, and in particular the Forest Service, could not be trusted to ensure the preservation of

wilderness lands in the United States.¹ The language concerning livestock grazing in wilderness is a mere forty words long: “Within wilderness areas in the national forests designated by this Act...the grazing of livestock, where established prior to September 3, 1964, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.” Thus, grazing which existed in wilderness areas when the Wilderness Act was enacted may continue.

In other words, grazing is an exception to normal wilderness protections. It is a use that, by definition and practice, degrades Wilderness. Unlike what some in the agency may believe, the Wilderness Act does not grant special privileges to those that graze their cattle or sheep in Wilderness that are not available on other national forest system lands. The agency can, and should take action when grazing is affecting other values such as wildlife or watersheds. The fact the allotments have been vacant for so long is also significant. The fact there is no specific section dealing with Wilderness in the EA is also a major failing.

The following points specific to certain allotments should have been considered in context of Wilderness:

- Will motorized use be used to maintain or build structures in Wilderness? The EA admits the structures in the Six-Mile South Allotment (on page 1, erroneously referred to as Six-Mile North) were burned and would need to be rebuilt. In fact, the EA states, “The need to construct fences, natural barriers/fences, water systems, and cattle guards would be identified by the range manager and permittee. Improvement activities would be evaluated prior to installation.” These could be in the Wilderness as past structures were located there. Similarly, the Suce Creek allotment has been vacant since 2002. It is unlikely the fence has been repaired or the water structure/pipeline maintained, both partially within the Wilderness.
- Restocking the vacant allotments (two allotments with wilderness acreage and one without) that have been vacant for 10 to 20 years would be as if opening new grazing in Wilderness. The urgency to do this, as expressed in the EA (page 5), is belied by the fact they have not been allocated for many years. It would seem nobody is clamoring for these allotments.
- The proposed earlier grazing would have significant impacts on the Wilderness. It is unlikely the range would be ready for the earlier dates. Further, that would have serious conflicts with predators and other wildlife as that coincides with elk calving. Putting cattle in the midst of elk when they are calving not only creates conflicts with elk, but puts the cattle in direct contact with elk predators such as grizzlies and cougars. Alternative 1 avoids conflicts with grizzlies, elk, and other species, which are integral to the Absaroka-Beartooth Wilderness.
- Trespass is a major concern from all the allotments, but most especially Pine Creek. Pine Creek has no fencing and abuts the Wilderness. (See also Vegetation Report page 54.) Elbow Creek is only a mile away and also has no fencing.
- The relatively lower elevation of some of the allotments provides seasonal transitional and some winter range for wildlife during a time of stress. Cattle grazing in these

¹ See Kammer, attached to this comment.

allotments would have considerable impact on wildlife by removing forage that could be consumed by wildlife that summer in the Wilderness.

NEPA

While it is positive the analysis was done under the 1978 NEPA regulations rather than the recent NEPA regulations, which may not survive legal challenge because they are a de facto repeal of NEPA, the problem is the scoping letter was sent out in 2013. The conditions since then, as the EA admits, have changed significantly due to natural fire. Regardless, alternatives raised in the scoping comments to further reduce impacts from cattle grazing were not addressed in the EA.

Options should have been considered such as permanent closure of vacant allotments and phase-out and permanent closure of existing allotments. An EIS needs to look at the impacts of what amounts to new grazing in areas that have not been grazed for at least ten to twenty years.

The purpose and need is misleading regarding the Rescissions Act. For better or worse, the agency can adjust timeframes for allotment management planning indefinitely. It makes sense to prioritize allotments that are active before vacant allotments. The vacant allotments give you the opportunity to evaluate how nature deals with natural disturbance events in areas that are no longer grazed by cattle.

The title for Alternative 2 is misleading. It is not a continuation of current livestock management because it would make vacant allotments available for use by cattle. These allotments have been vacant for a long time and non-use (vacancy) is the current livestock management regime.

Vegetation/Watersheds/Soils

Regarding vegetation and riparian/watersheds, there are key facts that cast serious doubt on the proposal:

- The EA and Vegetation Report note that most of the allotments' acreages are not suitable for grazing and the allotments are steep. A few acres of suitable range are not sufficient to make a grazing allotment. Further, the Region 1 Handbook referenced on pages 1, 2, and 37 of the Vegetation Report is not online in the agency directives, where it should be located? Is that direction still current?
- The premise of the EA and Vegetation Report is that monitoring will replace analysis on determining impacts to seeps and springs, which have not yet been identified (Vegetation Report page 58). The same is true for fences and other structures (EA page 28). This is putting the cart before the horse. Those sensitive areas and location of new structures should have already been identified.
- The EA and Vegetation Report are contradictory and misleading regarding the current and expected trend in vegetation from no grazing. They recognize no grazing would increase upland range riparian conditions, but then state that cattle may be necessary in riparian and other areas to maintain desired conditions (see Vegetation Report page 27). Even assuming this is scientifically credible (which it is not), native ungulates use the upland ranges and riparian areas. This fact is recognized, but only in context of how desired conditions may not be achieved under a no grazing scenario from grazing by

native ungulates (Ibid.). This inconsistency—native ungulate grazing is bad, unnatural won't achieve desired diverse vegetation goals, but cattle grazing will--is not supported by any credible research. Further, the claim that grasslands and shrublands are disturbance regime dependent is overly broad and misleading. Many shrublands had very infrequent disturbance. Lastly, the role of natural fire is not explicitly recognized as helping meet desired conditions.

- The monitoring data are old and not current for some of the allotments. Pine Creek has no current utilization data. Not all vacant allotments had the rapid assessment (EA page 11). In addition, the rapid assessment data is at the Livingston Office, which makes it inaccessible to most of the public, especially in a pandemic. Some of the information was gathered just before or after natural disturbances, which may affect its usefulness for the current proposal. Lastly, the EA does not explain whether past monitoring was more robust than has been done in the past few years, which we would expect to be true. This leads to the question of whether past data can be accurately compared with more recent data.
- Current utilization rates in some allotments appear higher than is currently allowed or proposed but the allocation would remain as it is now or largely as it is now.
- Regarding proper functioning condition of riparian areas, the Forest Service is not clear. The EA states that because of the fire, specific streams (Sixmile, North Fork Sixmile, and Big Pine Creeks) were non-functional or functional at risk (A page 5). However, it states that resilience to natural disturbances is desired for riparian areas (EA page 6). Did fire cause the damage because of cattle grazing in the recent past? If not, what does that say about the achievability of the goal for riparian areas? What about research papers on the differences between press disturbances (annual cattle grazing) and pulse disturbances (natural fire), which indicate that pulse disturbances create conditions in the long-term that are beneficial to watersheds?
- The supposed reason for the earlier grazing date is to utilize non-native invasive grasses. However, the earlier dates for grazing will also negatively affect the native cool season grasses in the allotments. Some of the non-natives (timothy) are cultivars that can take much greater grazing than native grasses. Research suggests this policy will result in the increase of nonnative grasses (be they annual or perennial) rather than improving the condition of native grasses.

In terms of protecting soils, the EA (page 29) notes that the Mill Creek allotment exceeds the regional standard for DSD at 22 percent. Grazing this currently vacant allotment will move it further from the standard.

Wildlife

The EA claims there have been no wolf/cattle conflicts in the allotments. However, 3 of them are currently vacant. Dismissing analysis of impacts to wolves and the potential for conflict, especially with an earlier grazing season as proposed in Alternative 3, is premature.

There is an inconsistency in the EA regarding the nature of the allotments. They are referred to as steep and timbered (EA page 4). In contrast, the analysis of moose on page 39 is abbreviated because, "Moose may be present but would not be expected to frequent the allotments due to lack of cover and forage." Are these allotments forested (cover) or not and do they have forage (for moose, most likely willows)? Rather than being an objective analysis, the EA seems so slanted to reach a pre-determined decision, that it is internally inconsistent.

We strongly concur with the determination that grizzlies would likely be adversely affected by either Alternative 2 or 3 (EA pages 55 and 56). That said, we feel there are additional reasons that these allotments should not be grazed in order to protect grizzlies and the supporting analysis needs to be augmented. Grizzlies are not delisted from the Endangered Species Act in spite of the allegation that their numbers are increasing in the GYE (NOTE: It is more likely bears are ranging more widely in search of food than their numbers are increasing, especially in the past few years). They are not secure and filling vacant allotments would harm their recovery even if the numbers of cattle have declined on the Gallatin National Forest.

1. The EA alleges regarding Alternative 2 and grizzly recovery, "Maintenance of the existing livestock management in the allotments would not result in a substantial net increase in non-motorized human access or a permanent net or substantial temporary increase in motorized access in the allotments." That is not accurate as the EA is silent on whether motorized use would be needed to reconstruct structures that were burnt in the Sixmile South Allotment or reconstruct structures in the Suce Creek Allotment that has not been used in 18 years. The EA also omits (Alternative 3 and grizzly recovery, pages 55 and 56) the fact that there will be earlier dates for livestock grazing. That will put additional pressure on grizzly bears in the spring and opens the door for more cattle and grizzly conflicts.

Summary

The EA does not adequately consider impacts to Wilderness, wildlife, watersheds, or vegetation. Much information is missing or not available to the public. The determination of likely to adversely affect grizzlies, though needing supplementation and amendment, is reason enough to select Alternative 1.

Sincerely,



Gary Macfarlane
Board member