

# *Chapter 6*

## *Response to Comments*

### **A. INTRODUCTION**

A draft of this Environmental Impact Statement (DEIS) was published for a 45-day public review period on September 3, 2004. This chapter summarizes comments received, and how we addressed them. Public involvement prior to the publication of the DEIS is summarized in Chapter 2. Chapter 6 includes sections on:

- Summary of public involvement between the Draft EIS and Final EIS.
- Summary of comments received on the DEIS.
- Summary of how we addressed comments.
- Forest Service responses to the comments on the DEIS.

Council on Environmental Quality (CEQ) regulations require that after preparing a draft environmental impact statement (DEIS) and before preparing a final environmental impact statement (FEIS), the agency shall request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected (40 CFR, 1503.1). Comments on a DEIS or on a proposed action shall be as specific as possible and may address either the adequacy of the assessment or the merits of the alternatives discussed or both (40 CFR, 1503.3). An agency preparing a FEIS shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement (40 CFR, 1503.4). Possible responses are:

1. Modify alternatives including the proposed action.
2. Develop and evaluate alternatives not previously given serious consideration by the agency.
3. Supplement, improve, or modify its analysis.
4. Make factual corrections.
5. Explain why the comments do not warrant further agency response.

Comments are addressed if they: are substantive and relate to inadequacies or inaccuracies in the analysis or methodologies used; identify new impacts or recommend reasonable new alternatives or mitigation measures; or involve substantive disagreements on interpretations of significance (see 40 CFR 1502.19, 1503.3, 1503.4, 1506.6, and 516 DM 4.17). Based on the Council of Environmental Quality's regulations, a substantive comment is one that:

- Questions, with a reasonable basis, the accuracy of the information in the environmental impact statement. Questions, with a reasonable basis, the adequacy of environmental analysis as presented.
- Presents reasonable alternatives other than those presented in the DEIS that meet the purpose and need of the proposed action and address significant issues.
- Causes changes or revisions in the proposal.

Non-substantive comments, or concerns identified from them, include those that simply state a position in favor of or against an alternative, merely agree or disagree with Forest Service policy, or otherwise express an unsupported personal preference or opinion.

We are required to respond only to substantive comments or the concerns identified from them. However, to fully inform the public and to use this process as an educational tool, we have chosen to respond to all public concerns identified during analysis of public comment, within and out of the scope, substantive and

non-substantive alike. Responses to out of scope concerns are generally restricted to describing why the concern is out of scope and does not merit further attention. A more elaborate answer may have been provided for clarity. Responses to substantive concerns are typically more extensive, complete, and, most importantly, offer an explanation of why or why not and where the concern may have resulted in changes to the plan or analysis. If several concerns are very similar, they have been grouped together for a single response. Public concerns that identified editorial or other errors in the presentation of information in the DEIS were used to revise text and make corrections in the FEIS. The editorial concerns identified by the public are not included in the narrative response to comment.

Several typical types of comments and appropriate responses are discussed below.

1. **Comments on Inaccuracies and Discrepancies.** Factual corrections should be made in the EIS in response to comments that identify inaccuracies or discrepancies in factual information, data, or analysis.
2. **Comments on the Adequacy of the Analysis.** Comments, which express a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate may or may not lead to changes in the EIS. Interpretations of analyses should be based on professional expertise. Where there is disagreement within a professional discipline, a careful review of the various interpretations is warranted. In some cases, public comments may necessitate a reevaluation of analytical conclusions. If, after reevaluation, the manager responsible for preparing the EIS does not think that a change is warranted, the response should provide the rationale for that conclusion.
3. **Comments which Identify New Impacts, Alternatives, or Mitigation Measures.** If public comments on a draft EIS identify impacts, alternatives, or mitigation measures which were not addressed in the draft, the manager responsible for preparing the EIS should determine if they warrant further consideration. If they do, that official must determine whether the new impacts, new alternatives, or new mitigation measures should be analyzed in either: the final EIS; a supplement to the draft EIS; or a completely revised and recirculated draft EIS.
4. **Disagreements with Significance Determinations.** Comments may directly or indirectly question determinations regarding the significance or severity of impacts. A reevaluation of these determinations may be warranted and may lead to changes in the EIS. If, after reevaluation, the manager responsible for preparing the EIS does not think that a change is warranted, the response should provide the rationale for that conclusion.
5. **Expressions of Personal Preferences.** Comments, which express personal preferences or opinions on the proposal, do not require a response. They are summarized whenever possible and brought to the attention of the manager responsible for preparing the EIS. Although personal preferences and opinions may influence the final selection of the agency's preferred action, they generally will not affect the analysis.

This summary provides an analysis of the major themes and concerns submitted by the public during the official comment period for the Tushar Mountain DEIS. These concerns range in nature from broad issues to technical specifics.

## **B. SUMMARY OF PUBLIC INVOLVEMENT BETWEEN DEIS AND FEIS**

All comments submitted during the comment period for the DEIS were reviewed by the Interdisciplinary Team. No additional clarification was deemed necessary for any of the commentators. A meeting was arranged between the Forest Service and Mary O'Brien, representing a coalition of six special interest organizations. The intent of this meeting was to establish a dialog with Ms. O'Brien and to avert potential litigation.

## **C. SUMMARY OF PUBLIC COMMENT ON THE DEIS**

Comments received on the DEIS included concerns about not including a reasonable alternative; the limited number of alternatives; the narrowing of alternative consideration; insufficient detailed, scientific

information; ability to enforce and monitor for compliance; and socio-economics. See comment categorization under paragraph E.

#### D. LIST OF RESPONDENTS TO DEIS

ORDER	RESPONDENT	RECEIPT DATE
1	State of Utah Department of Natural Resources	September 21, 2004
2	John Keeler, Utah Farm Bureau Federation	September 22, 2004
3	USDI Office of Environmental Policy and Compliance	October 7, 2004
4	Utah Environmental Congress	October 17, 2004
5	U.S. Environmental Protection Agency	October 18, 2004
6	Mary O'Brien, representing a six-party coalition	October 18, 2004
7	Jim Leavitt	October 29, 2004
8	DOI, Office of Environmental Policy and Analysis	November 8, 2004

#### E. COMMENT LETTERS AND FOREST SERVICE RESPONSES

The entire text of each comment letter is located in the Tushar Mountain Grazing EIS project file. The comments from each respondent were categorized into major subjects. Each comment was carefully considered with respect to the need to modify or supplement the DEIS with any new information provided. Important in this process of considering revision of the DEIS is the answer to this question, "Is the DEIS consistent with the Fishlake Forest Plan and does it satisfy the requirements of the Council on Environmental Quality (CEQ) and the National Environmental Policy Act (NEPA) with respect to the particular comment?" If the information and assessments in the DEIS meets the intent of regulations, then no changes in the FEIS are prompted. If there are minor changes dealing with factual corrections, they may be reflected through simple modification in the FEIS.

A content analysis of the comments received was performed by the IDT Leader and IDT members and comments were categorized by subject in the following areas:

CATEGORY	RESPONDENT(S)
Alternatives	1, 2, 4, 5, 6, 8
Issues	4, 5, 6, 8
Administration Of Permitted Numbers, Season, Grazing System In Amps	1, 2, 4, 6, 7, 8
Native Ecosystems	2, 4, 6, 8
Detailed scientific information	4, 6, 8
TEPCS and MIS	2, 4
Socio-Economics	2, 6
Enforcement and Monitoring	4, 5
Cumulative Effects	4
Desired Conditions	4, 8
Correct NEPA language	4

Categorized comments are included here and are listed according to respondents. Each comment is paraphrased with the ID Team response corresponding.

ALTERNATIVES		
COMMENTS	PUBLIC COMMENT	IDT RESPONSE
State of Utah Dept of Natural Resources  John Keeler, Utah Farm Bureau Federation	We support the re-issuance of the permits on the eight cattle allotments.	The Forest Service administers and manages National Forest System lands in accordance with the Multiple-Use Sustained-Yield Act of June 12, 1960; the Forest and Rangeland Renewable Resources Planning Act of August 17, 1974; and the National Forest Management Act of October 22, 1976. It is a Forest Service objective to provide for livestock forage, wildlife food and habitat, outdoor recreation, and other resource values dependent on range vegetation. It is Forest Service policy to, where it is consistent with Forest Land and Resource Management Plans, make forage available to qualified operators from lands that are suitable for livestock grazing. Livestock grazing is a valued and legitimate multiple-use of public rangelands and should continue when done right and in an environmentally sensitive way. This comment support the purpose and need as stated in the DEIS (1-4) of meeting multiple use objectives for obtaining proper utilization of available forage on suitable rangelands. They are consistent with the proposed action and do not suggest modification of alternatives. Therefore, these comments will receive no further agency response.
Mary O'Brien Representing a six-party coalition	The DEIS fails to include the reasonable SMU-G alternative as an alternative to current livestock grazing practices and zero grazing.	Prior to publication of the DEIS the SMU-G alternative was "rigorously" explored and "objectively" evaluated as a reasonable alternative, as required by CEQ [40 CFR 1502.14(a)]. CEQ does not require that "all reasonable alternatives" be evaluated in detail, but it does require that "for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated". A discussion of why the SMU-G alternative was eliminated from detailed study is provided at page 2-9 of the DEIS. Notwithstanding the reasoning for not including the SMU-G alternative in the DEIS, subsequent review has led the IDT to fully evaluate the SMU-G Alternative in the FEIS.
DOI, Office of Environmental Policy and Analysis	It is stated that the "SMU-G (Sustainable Multiple Use Grazing) Alternative was not considered in detail because all of the objectives are reflected in the proposed action". However, we found several significant differences between the objectives contained within the SMU-G Alternative and the Proposed Alternative. For example, the first bullet under the SMU-G Alternative proposes "an emphasis on long-term health and recovery of native grasses, forbs and shrubs." The Proposed Action emphasizes nonnative and unnatural grass/forb communities for livestock forage (Page 1-5; 6., Page 1-6; 2 <sup>nd</sup> column 2 <sup>nd</sup> paragraph, Page 1-10 to 1-12; Table 1-4 Desired Condition AMP Objectives for Junction, Ten Mile, and Cottonwood allotments, Page 1-17; 2.b.). Also, the SMU-G Alternative places priority on operating "within the limits of climate (drought and global warming), geology, and native biota for the long-term health and future of the Forest." (Third bullet), while the Proposed Action states climate considerations are outside of the scope of the DEIS (Page 1-18; j.). If, as stated in the DEIS, the SMU-G Alternative contains all of the objectives reflected in the Proposed Alternative and reflects the laws and regulations governing livestock and range management on Forest Service lands, we believe it merits inclusion as an action alternative for evaluation in the FEIS.	See above response. Contrary to this comment, the Proposed Action does not emphasize nonnative and unnatural grass/forb communities for livestock forage. At the pages cited, the DEIS discusses maintenance of non-structural range improvements with no mention of non-native species. In fact, most vegetation treatment of pinyon-juniper sites is the result of invasion by these tree species into the native sagebrush-grass ecosystem. Likewise, treatment of sagebrush has historically been accomplished to reduce canopy cover to that of properly functioning sagebrush communities. Table 1-4 lists an AMP objective for these three allotments as "Restore vegetative conditions and productivity common to sagebrush-grass range in proper functioning condition."  The DEIS states that "the impacts of long-term drought are outside the scope of this analysis" (DEIS 1-18). It does not say that climate considerations are outside the scope of the analysis. Adjustments to annual operations, such as reductions in numbers or season of use required because of drought, are routinely handled through permit administration processes. Consideration of the effects of climate are inherent in the application of allowable use criteria. Utilization of forage species is based on a prescribed use level of annual production. As moisture and temperature elements affect production, the effects are translated through the amount of grazing that is allowed.
Utah Environmental Congress	The range of alternatives is insufficient under the NEPA regulations.	Although the Forest Service considers that the original two alternatives, discussed in detail, meet the intent of CEQ, the SMU-G alternative, not previously given complete consideration by the agency, is developed and evaluated in the FEIS.  A reasonable range of alternatives is a range that achieves the Purpose and Need and responds to the issues that are identified. CEQ requires the inclusion of the Proposed Action and the No Action alternatives in the reasonable range of alternatives [40 CFR 1502.14(b, d)]. The answer to question number 1 of CEQ's Forty Most Asked Questions clarifies that "The phrase 'range of alternatives' ... includes all reasonable alternatives which must be rigorously explored and objectively evaluated as well as those other alternatives which are eliminated from detailed study, with a brief discussion of the reasons for eliminating them".

		<p>The Purpose and Need as described in the DEIS (1-3) is to determine if livestock grazing would continue to be authorized on eight cattle allotments in the Beaver Mountain Tushar Range analysis area. Public scoping did not reveal the identification of any issues significant enough to drive the creation of any alternatives other than the Proposed Action and the No Grazing Alternative. The purpose of the alternatives is to ensure that all issues are addressed and appropriate mitigations are identified. The Proposed Action and the No Grazing alternatives address the issues identified through scoping and include appropriate mitigations. The Proposed Action meets the stated Purpose and Need. Following public review, the IDT has decided to develop a third alternative—Ecosystem Restoration. This alternative evolved from the emphasis in the SMU-G Alternative on native ecosystems. In addition, other reasonable alternatives were evaluated, as required by CEQ, and eliminated from detailed study.</p>
<p>Utah Environmental Congress</p>	<p>We request inclusion and detailed scientific analysis of a full range of alternatives for 25%, 50%, and 75% of the levels permitted in the currently expiring Grazing Permits and AMPs.</p>	<p>Respondents suggest an alternative with a reduction in grazing from current levels. The Proposed Action is to reissue 10-year term grazing permits to continue authorizing cattle grazing at proper use. Specifically, the DEIS does not say that it proposes to sustain current permitted numbers of cattle, nor does it specifically preclude administrative adjustments in permitted numbers. Changes in permitted numbers will be addressed, as needed, in individual Allotment Management Plans.</p> <p>Following public review, the IDT has decided to fully develop the SMU-G alternative. This alternative proposes to restore native biodiversity and ecosystem complexity at the fastest rate possible while continuing to allow concurrent cattle grazing at reduced levels. Under this alternative, permitted livestock grazing will be reduced and limited to those areas where grazing practices are demonstrated to not impair native productivity of the land and aquatic ecosystems. Some areas of the Forest are not grazed by livestock in order to ensure the viability of other multiple uses and values, e.g.: ½ of suitable beaver habitat, key mule deer fawning and winter habitat, municipal watersheds that supply culinary water, riparian areas (300 feet on each side of perennial streams and 50 feet surrounding all other riparian areas), 5400 acres surrounding each known northern goshawk nest, some aspen communities, known and potential habitat of TEPCS species, noxious weed sites, potential nesting and brood-rearing habitat for sage grouse, some habitat for MIS species and species of special concern, reference areas, Research Natural Areas, some Special Interest Areas. The percent of reduction in cattle numbers will be determined through the resulting reduction in suitable grazing area and a calculation of suitable acres/permitted numbers.</p>
<p>U.S. Environmental Protection Agency</p>	<p>A No Action alternative should be analyzed as the quantified damage and degradation currently occurring in the project area. While reissuing permits would be essentially “no change” to current operations, according to the DEIS, enforcing the permits, intensifying management actions and increasing mitigation measures would represent a change to current conditions. We assume that there is some change to current operations that will be necessary to begin to intensify management actions.(</p>	<p>For this DEIS, “no action” is synonymous with “no grazing” and means that livestock grazing would not be authorized within the project area. As discussed in the DEIS (1-2), a Forest Plan amendment incorporating new forage use criteria was completed during 2001 and the revised criteria was included in all Term Grazing Permits in February 2002. This was the major management change that was identified as necessary in the 1998-2000 EA process, for which the decision was withdrawn. Because of its importance, a Forest Plan Amendment was then pursued and revised utilization criteria were effected. This is the change to current operations that is intended to intensify management and move existing conditions (“quantified damage and degradation currently occurring in the project area”) toward desired conditions (see Table 1-4).</p> <p>The development, in detail, of a true “no action” alternative has been precluded by the recent implementation of revised forage utilization criteria. In the FEIS the following explanation of why this alternative is not developed in detail is provided. To consider this alternative, the Forest would have to revert to historical utilization criteria. As discussed in Chapter 1, a Forest Plan amendment incorporating new forage use criteria was completed during 2001 and the revised criteria were included in all Term Grazing Permits in February 2002. The existing conditions described in Chapter 3 of the DEIS are the result of decades of grazing administration prior to the implementation of revised utilization criteria in 2002. These existing conditions do not reflect management under the Proposed Action. However, the Proposed Action is described as continuing current livestock management operations, and it is easily assumed that the Proposed Action is a “No Action” alternative, representing continuation of existing management. However, the intent of the Proposed Action is to capitalize on the implementation of the revised use criteria as a major change in livestock administration, making it significantly different from a “do nothing” alternative. The true “No Action” alternative was the status quo of allotment management, under previous use criteria, prior to the implementation of the revised criteria. In this analysis, in order to present a true “No Action” alternative, the Proposed Action would necessarily have to be viewed as if the revised criteria were yet proposed and had not been implemented. Thus the “status quo” or “No Action” alternative would be the continuation of administrative management with the previous use</p>

		standards. This was the situation in the EA process for which the decision was withdrawn in June 2000. With the subsequent amendment to the Forest Plan and implementation of the revised use criteria, the existing condition or status quo situation of the allotments is one that includes the new criteria. This creates a circumstance in which current management represents, at the same time, no change (status quo) and change (revised use criteria). The opportunity to present the situation of existing conditions being represented by the decades of use under previous use prescriptions was pre-empted. An alternative that would represent an “existing condition” scenario by reverting to management before implementation of the revised utilization standards would not comply with the Forest Plan.
U.S. Environmental Protection Agency	The Preferred Alternative should include the proposed changes to current operations, including how these changes will be assured, including a specifically designated management budget and consequence of not maintaining the decision.	The purposes of the Proposed Action are enumerated at pages 1-3 through 1-6 of the DEIS. These purposes identify the proposed changes to current operations including monitoring stocking rates and seasons of use, identifying impacts to riparian areas and determining site-specific objectives and actions to meet established goals, determining monitoring needs, improving permittee stewardship and compliance, enforcing utilizations standards, ensuring maintenance to standard of range improvements, and controlling noxious weed infestations. A monitoring plan is included in Appendix G. Monitoring would determine success with annual use objectives and compliance with management direction included in Allotment Management Plans. Adaptive management processes (DEIS 1-14) provide that “If prescribed management fails to result in the desired outcome, alternative strategies will be developed by the IDT, and management will be ‘adapted’ until the desired outcome is achieved.” The determination of budgets to administer the range management program is outside the scope of this DEIS.
U.S. Environmental Protection Agency	According to the DEIS, many aspects of the existing Preferred Alternative do not meet the purpose and need because areas in the allotments cannot sustain the permitted use levels.	The DEIS specifically states that implementation of existing Allotment Management Plans (AMPs) would prescribe the manner by which livestock operations would be permitted and conducted, while implementing grazing at proper use under prescription levels identified in the Forest Plan. The DEIS provides at page 2-2 that “Through annual forage use monitoring, permit compliance monitoring, and/or long-term trend monitoring it may be determined that grazing capacities need to be adjusted”.
Mary O’Brien representing a six-party coalition	The DEIS illegally narrows criteria for which alternatives would be considered to those describing 1) no change in grazing system, 2) no change in permitted numbers, 3) no new structural range improvements.	The DEIS does not preclude changes in grazing systems or permitted numbers, nor does it prohibit new structural range improvements. The DEIS simply says that the proposed action “does not intend to address changes in cattle numbers or grazing seasons” (1-6, 2-1) and mitigation measures 14-17 (2-3) allow for necessary range improvements. “The underlying principle of the proposed action is that adherence to site-specific resource use standards, designed to meet desired conditions, mitigate the need to address capacity and stocking rates. The number and class of livestock, season of use, and grazing system required to meet desired conditions is a permit administration decision, not a NEPA decision”. (DEIS 1-6)  The DEIS provides a “No Grazing Alternative” which would change the permitted numbers to zero. The FEIS provides and Ecosystem Restoration Alternative that prescribes a stocking capacity a significantly reduced level.
Utah Environmental Congress	The regional and sub-regional Properly Functioning Condition assessments should be used to inform the development of the range of alternatives.	The 1996 “Properly Functioning Condition Assessment, Utah High Plateaus and Mountains Section, Intermountain Sub-Regional Assessment” 1) provides a scientific basis for regionalization of ecosystems; 2) allows managers, planners, and scientists to study management problems on a multi-forest and state-wide basis; 3) allows the organization of data collected during broad-scale resource inventories; and 4) provides for interpretation of these data among regions. While indicators of properly functioning condition identified in the assessment may provide guidance to determining functional condition at the regional, subregional, and landscape scales, it is not intended to replace existing condition information at the site-specific level.
DOI Office of Environmental Policy and Analysis	We concur with the statement made in this section that livestock use applied properly leads to improved and/or stable systems. However, we are concerned about the numerous degraded sites in the allotments. For example, as reported in the DEIS, nearly 40% of the project area streams surveyed in the Beaver Ranger District are failing to meet Biotic Condition Index (BCI) standards (100% failing in the North Indian and Pine Creek/Sulphurbeds allotments), there are unacceptable key riparian features in seven of eight allotments, unacceptable key upland conditions in three of eight allotments, and conversion of native shrub habitat to livestock forage to meet current stocking rates in seven of eight allotments. We believe that these conditions point to a need to analyze each	Concern about deteriorated conditions that may have been the result of historic as well as recent excess use was the reason for revising the forage utilization criteria in 2001. This is the change to current operations that is intended to intensify management and move existing conditions toward desired conditions (see Table 1-4). Table 3-1 indicates that riparian areas in 50 percent of the project allotments are functioning at risk (commenter does not identify what features were noted that placed 7 of the 8 allotments in unacceptable condition). However, water bodies that were previously listed on the State’s 303d list have been delisted, leaving no streams within the project area on the 303d list. This indicates that improvements to riparian areas, streams, and water quality are being made. Commenter does not describe the upland conditions that are unacceptable on 3 of the 8 allotments. Since upland conditions were not identified as a significant issue, they were not displayed in Table 3-1. Under the subtopic of “Non-significant Issues”, the DEIS (1-17) indicates that “Deterioration of upland sites is not supported by scientific or factual evidence. Most key upland range sites within the allotments in this analysis are reported to be in satisfactory condition with stable to upward trends.” The DEIS (Table 1-3) notes that on 7 of the 8 allotments current capacity is partly

	allotment and its AMP to determine whether changes are warranted.	dependent on past vegetation treatments. In most of these vegetation projects “conversion of native shrub habitat” does not describe the treatment. In fact, in most cases, the attempt was to restore native communities that have been encroached by invasive species. The nonstructural improvements and reseeded areas on these allotments are considered to be “range improvements” and are not classified as an unacceptable upland condition. The DEIS (1-17) indicates that “Additional NEPA analysis will be required for any new vegetative treatment projects.”
<b>ISSUES</b>		
<b>COMMENTER</b>	<b>PUBLIC COMMENT</b>	<b>IDT RESPONSE</b>
Utah Environmental Congress	The DEIS lacks adequate analysis of the issues surrounding the fact that grazing reduces the density and vigor of grasses, affecting frequency and severity of fires. (	Additional tabular and spatial existing condition resource data, that could be reasonably gathered and assembled, is provided in the FEIS.
Utah Environmental Congress	Water quality, CWA, and failure to meet State water quality standards are issues; it is unclear how the proposed action maintains compliance with law.	Discussion of how the alternatives comply with the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act is provided at pages 2-4 and 2-5 of the DEIS. The only water identified as not meeting the State’s water quality standard is the Sevier River and tributaries from the Circleville Irrigation Diversion upstream to Horse Valley Diversion (DEIS 3-13). This portion of the Sevier River occurs on the Circleville Allotment upstream from any tributaries from the Forest that reach the Sevier River. The conclusion is that cattle grazing on the Circleville Allotment has not contributed to the sub-standard condition of this portion of the Sevier River.
Utah Environmental Congress	When a land management practice cannot be adequately monitored and policed, and when it degrades the multiple resources, it is unsustainable and should be either stopped or reduced to manageable, sustainable levels. The proposed action fails to adequately resolve this issue.	Removal of livestock grazing is addressed in the No Grazing alternative. Adaptive management processes also allow for monitoring and followup to determine revision or alteration of management if desired condition of resources is not obtained.
Utah Environmental Congress	We request that our wilderness proposal be treated as a driving issue in the site-specific EIS.	This proposal is outside the scope of this analysis. Forest Plans, as required by the Forest and Rangeland Renewable Resources Planning Act of 1974, guide all natural resource management activities and establish management standards and guidelines for the National Forest System. They determine resource management practices, levels of resource production and management, and the availability and suitability of lands for resource management. Passage of the Utah Wilderness Act released all roadless areas not so designated as wilderness in that Act from further consideration as wilderness during this planning period. Considering these facts, this comment does not warrant further agency response or consideration in choosing the selected alternative.
Utah Environmental Congress	Please address and resolve the issues we raised in our first appeal (2000) of these allotments.	The issues raised in UEC’s 2000 appeal of the Environmental Assessments for Appropriate Livestock Grazing Practices on the Sheep and Cattle Allotments of the Fishlake National Forest were addressed by the Forest Supervisor’s withdrawal of the Decision implementing these EAs.
DOI Office of Environmental Policy and Analysis	It is our understanding (based on GIS information) that two RNAs fall within the boundaries of the Fish Creek and Bullion Canyon Allotments. If this is correct, then both alternatives would affect these RNAs and the effects should be described in the FEIS. The DEIS does not discuss how RNA management goals are integrated with grazing management and how that may differ from allotments without RNAs. This should be done in the FEIS.	Neither the Fish Creek nor Bullion Canyon RNAs are located within the project area defined by the eight allotments described in the DEIS (see Project Grazing Allotments map, page ii).
DOI Office of Environmental Policy and Analysis	The DEIS lists the sagebrush die-off as a non-significant issue, claiming that drought is responsible and that responding to drought is outside the scope of the DEIS. We do not agree with this approach and rationale. There is no consensus among experts that drought is either solely or primarily responsible for the sagebrush die-offs occurring in Utah.	There is no significant sagebrush die-off on any of the eight allotments within the project area. Although “sagebrush die-off” is a significant state-wide issue, particularly on deer winter range, it is not a significant issue for this project area. At this time, the elevation of the large die-off of sagebrush seems to be below 7,000 feet and involves mainly Wyoming big sagebrush on Bureau of Land Management land. Experts involved in studies indicate that the die-off is thought to be a result of the continuing stress on the plants due to the extended drought ongoing in Utah.
DOI Office of Environmental Policy and Analysis	The DEIS claims that the deterioration of upland range sites is a non-significant issue as most sites are reported to be in satisfactory condition with stable or upward trends. The FEIS should include data or monitoring reports for reader evaluation.	The purpose of an EIS is not a rigorous analysis of every facet of the environment, but a diligent “hard look” must be made to conclude, with foundation, whether there will, or may be, a “significant” environmental impact resulting from livestock grazing. During the NFMA analyses conducted prior to the NEPA documentation, the analysis area “characterization” was used to provide a “coarse filter” for narrowing the scope of the analysis to the key human uses and ecosystem elements of the landscape that are most relevant to livestock grazing. These human values and/or resource conditions were used to identify potential conflicts or issues with livestock grazing. Upland range conditions were not identified as presenting unresolvable conflicts with livestock grazing.

		In the FEIS, all reasonably available data from range site analyses, photo records, big game range trend studies, etc. will be included for public review.
<b>ADMINISTRATION OF PERMITTED NUMBERS, SEASON, GRAZING SYSTEM IN AMPS</b>		
<b>COMMENTER</b>	<b>PUBLIC COMMENT</b>	<b>IDT RESPONSE</b>
Utah Environmental Congress  Mary O'Brien, representing a six-party coalition	Site-specific decisions made by the Forest Service concerning livestock numbers, suitable livestock areas, sustainable utilization, and wildlife use of the allotments are necessarily major federal actions subject to full NEPA review. Relegation of major federal actions to non-NEPA negotiations between private permittees and range or other Forest staff and hiding the actual decision-making process regarding increasing/decreasing AUMs, changing rotation patterns and duration, and fencing options in another decision-making process that is not subject to NEPA is not in keeping with the law.	AMP development and consultation requirements are provided in the Federal Land Policy and Management Act (FLPMA) of 1976, section 402: "...in careful and considered consultation, cooperation and coordination with the leasees, permittees, and landowners involved..." Other collaborative management processes and AMP administrative procedures are outlined in FSH 2209.21, and are outside the scope of this analysis. It is National Forest System policy to coordinate, cooperate, and consult with grazing permittees and grazing associations, and other interested parties in the development of AMPS. Where AMPS are inadequate or in need of updating, they will be revised to address desired conditions identified through this analysis. Forest Service regulations at 36 CFR 222.2 require AMPS. When developing, modifying, or amending AMPS; conformance to laws, regulations, and policies that apply to livestock grazing on National Forest System lands will be followed.  The specific intent of the Proposed Action is to "reissue 10-year term grazing permits to continue authorizing cattle grazing..." The administration of wildlife use is outside the scope of this DEIS. Rangeland "suitability", as defined by law and regulation, must be determined as part of the forest planning process and is not a requirement of project level planning. Re-determination of "suitability" is outside the scope of this analysis. Utilization sustainability is addressed through the application of forage use criteria for upland and riparian areas (DEIS 1-7) and is the basic prescription applied through the Proposed Action. The number and class of livestock, season of use, and grazing system required to meet desired conditions is a permit administration decision implemented through an Allotment Management Plan.
Mary O'Brien, representing a six-party coalition	The DEIS fails to address whether forage production is sufficient to support proposed livestock numbers.	FSH 2209.11(29) directs that "Grazing capacities shall be based on allowable use determinations for a period of a minimum of three years on season-long grazing allotments and a minimum of a full rotation on rest or deferred systems. This time period for proper-use determinations allows for vegetative production fluctuations due to weather... Forage production is never static, therefore, initial forage allocation decisions must be coupled with appropriate monitoring..." The DEIS acknowledges (Ch 1-4) that forage production was used in the establishment of tentative grazing capacities when initial stocking rates were assigned approximately 40 years ago. Adjustments to stocking rates have been routinely made over the years since then as monitoring has indicated that changes were needed. The determination if current stocking is compatible with resource goals is made through application of proper use criteria (Ch 1-8).
Mary O'Brien, representing a six-party coalition	The DEIS does not explain how the current stocking (AUM) rates were developed.	The use of "Tentative Grazing Capacity" worksheets from which were derived the initial tentative stocking rates and the subsequent "firming up" of these capacities is discussed on page 1-4 of the DEIS.
John Keeler, Utah Farm Bureau Federation	If and when there are resource concerns identified, the actions outlined for the AMPS on page 2-7, numbers 1-10, appear to adequately address the concerns.	Thank you for your supporting comment. The Proposed Action is to use existing or revised AMP's to prescribe the manner by which livestock operations would be conducted in accordance with 36 CFR 221.1(b)(2), which describes allotment management planning provisions. AMPS will include the identification of objectives to achieve desired conditions. They will define utilization criteria and include monitoring and evaluation sections. They will also specify range improvement schedules. The implementation of revised or updated AMPS can be accomplished without changes to current permitted numbers and seasons of use. Provisions for adaptive management (1-14) and adjustments in grazing systems, livestock numbers and/or seasons of use are included in the DEIS.
State of Utah Department of Natural Resources	It is important that livestock use is permitted and unless "significant" adverse impacts are determined, that permitting continues as authorized by the NFMA and the forest plan.	The Forest Service administers and manages National Forest System lands in accordance with the Multiple-Use Sustained-Yield Act of June 12, 1960; the Forest and Rangeland Renewable Resources Planning Act of August 17, 1974; and the National Forest Management Act of October 22, 1976. It is a Forest Service objective to provide for livestock forage, wildlife food and habitat, outdoor recreation, and other resource values dependent on range vegetation. It is Forest Service policy to, where it is consistent with Forest Land and Resource Management Plans, make forage available to qualified operators from lands that are suitable for livestock grazing. Livestock grazing is a valued and legitimate multiple-use of public rangelands and should continue when done right and in an environmentally sensitive way. These comments support the purpose and need as stated in the DEIS (1-4). They are consistent with the proposed action and do not suggest modification of alternatives.
State of Utah Department of Natural Resources	We concur with the prescribed manner by which livestock operations will be conducted.	Thank you for your comment. Grazing livestock is among the many legitimate multiple uses of National Forest System lands. The issuance of term grazing permits, with appropriate Terms & Conditions, 1) require adherence to qualification and eligibility criteria, 2) provide for restoration or protection of basic soil and water resources, and 3) allow sustained range vegetation production and ecological diversity. To achieve these objectives, it is necessary for

		<p>permittees to engage in responsible management of their permitted livestock, practice good rangeland stewardship, and comply with the Terms &amp; Conditions of their grazing permits.</p>
Jim Leavitt	<p>There are too many cattle on the north end of the Beaver Mountain for what that country can hold. Apparently the Sorenson's own some private property there for which they have an on-off permit with the Forest Service. The grazing pressure put on this area leaves very little vegetation. Every year they eat the shrubs down to dirt. Something needs to be done about the number of cattle that graze there.</p>	<p>The area described as "the north end of the Beaver Mountain" is part of the Fish Creek Allotment which is not part of the project area. Furthermore, this EIS does not evaluate grazing on private property.</p>
DOI, Office of Environmental Policy and Analysis	<p>It is stated that "AMPs will be completed in cooperation with livestock permittees". We would appreciate clarification on when the wildlife agencies and other interested publics will be provided the opportunity for evaluation and input into these plans.</p>	<p>The specific intent of the Proposed Action is to "reissue 10-year term grazing permits to continue authorizing cattle grazing..." The administration of wildlife use is outside the scope of this DEIS. The number and class of livestock, season of use, and grazing system required to meet desired conditions is a permit administration decision implemented through an Allotment Management Plan. It is National Forest System policy to coordinate, cooperate, and consult with grazing permittees and grazing associations in the development of AMPs. AMP development is not a public review process. Where AMPs are inadequate or in need of updating, they will be revised to address desired conditions identified through this analysis. Forest Service regulations at 36 CFR 222.2 require AMPs. When developing, modifying, or amending AMPs; conformance to laws, regulations, and policies that apply to livestock grazing on National Forest System lands will be followed. Collaborative management processes and AMP administrative procedures are outlined in FSH 2209.21, and are outside the scope of this analysis.</p>
NATIVE ECOSYSTEMS		
COMMENTER	PUBLIC COMMENT	IDT RESPONSE
Mary O'Brien, representing a six-party coalition	<p>Significant information was supplied directly by six public interest organizations during the scoping period, raising doubt as to whether the native ecosystems on these eight allotments can support the proposed cattle numbers. This information was neither refuted nor considered in the DEIS.</p>	<p>There is no requirement to respond to scoping comments received for a DEIS. Scoping comments provided by Mary O'Brien on behalf of 1) Grand Canyon Trust, 2) Great Old Broads for Wilderness, 3) Red Rock Forests, 4) Sierra Club, 5) Western Watersheds Project, Inc, and 6) Wild Utah Project, Inc. provide "explanation and supporting evidence" using examples from the following references:</p> <ul style="list-style-type: none"> <li>• North Rich Allotment DEIS (25% allocation of forage to livestock)</li> <li>• Wasatch-Cache National Forest DEIS, Nevada, and Fishlake NF 2001 Monitoring Report (Goshawk)</li> <li>• High elevation plateaus of central and southern Utah (tall forbs)</li> <li>• Northeastern Oregon (willow browsing)</li> <li>• Bear River Range in northern Utah (cattle grazed and ungrazed areas)</li> <li>• Blue Mountains of northeastern Oregon (wet and dry meadow infiltration rates)</li> <li>• New Mexico (consequences of grazing on Southwestern birds)</li> <li>• Blitzen River Oregon (increases in bird abundance)</li> <li>• San Pedro River, southern Arizona (increases in breeding birds)</li> <li>• Grazed riparian habitat in Idaho (increases in shore birds and small mammals)</li> <li>• Riparian ecosystems in the western United States (livestock influences on riparian ecosystems)</li> <li>• Big Creek, Rich County Utah (aquatic habitat benefits after removing cattle)</li> <li>• Hells Canyon NRA Comprehensive Management Plan FEIS (affect of cattle on heritage resources)</li> <li>• Fishlake National Forest (sagebrush crown cover)</li> <li>• Tushar Mountains (Tushar paintbrush)</li> <li>• Piute County Utah (Beaver Mountain groundsel)</li> <li>• Southern half of the Fishlake National Forest (Bonneville cutthroat trout)</li> <li>• Targhee National Forest and Nye County Nevada (impacts on western toad habitat)</li> <li>• Nevada and New Mexico (Beaver removal)</li> <li>• Montana and Colorado (blue grouse decline)</li> </ul> <p>Although these references provide, for the most part, research conclusions regarding the subject material, of the 24 references only 5 apply specifically to the Fishlake National Forest. General conclusions of these reports may be considered, but their specific data and application of those conclusions to site-specific areas on the Beaver Ranger District should be conservative. 40 CFR 1503.4 requires that comments on a proposed action must be as specific as possible. Sufficient data was provided in the DEIS for the Responsible Official to make a determination as to whether the reissuance of term grazing permits and the continuation of cattle grazing on these eight cattle allotments will have a negative effect on native ecosystems.</p>
u.s.	Both the Proposed Action and No Grazing	This comment supports the adequacy of the environmental effects discussion

Environmental Protection Agency	alternatives would improve aquatic and terrestrial resources in the area and have a number of differing social, economic, and environmental impacts. The DEIS does an excellent job of disclosing how grazing historically has affected and currently continues to affect soils, vegetation, erosion, streams, riparian areas, and other resources.	included in the DEIS.
John Keeler, Utah Farm Bureau Federation	Studies have shown that proper grazing is not detrimental to most plants.	The Proposed Action defines livestock grazing under proper use. Proper use includes the most current scientific research about the management of rangeland systems, including riparian areas. Implementation of proper use will move degraded areas toward the desired condition.
Utah Environmental Congress	The DEIS lacks scientific analysis and environmental information disclosing where and to what extent grazing has spread exotic flora.	The spreading of exotic flora was not an issue identified during analysis or public scoping for this project. Noxious weeds, identified on federal, state, and county weed lists occur in five of the eight allotments. The control and management of noxious weeds is addressed in a separate Environmental Assessment and is beyond the scope of this DEIS.
DOI, Office of Environmental Policy and Analysis	We recommend that the FEIS reference the Fishlake Forest Plan goals and priorities regarding conservation and restoration of sagebrush habitats and provide a thorough rationale for altering sagebrush habitats for the benefit of livestock. The conversion of sage-steppe communities to livestock forage and the degradation of native habitats due to improper grazing has direct habitat impacts to sage-obligate species such as sage grouse, sage sparrow, sage thrasher, Brewer’s sparrow, and pygmy rabbit. We suggest these impacts be addressed in the FEIS.	No new conversion of sagebrush habitats are proposed in the DEIS. The DEIS does indicate that there is a need to maintain existing vegetation treatment areas. Seven of the eight allotments contain acreages of vegetation treatment, primarily pinyon-juniper chainings. Treatment of sagebrush has historically been accomplished to reduce canopy cover to that of properly functioning sagebrush communities. Additional NEPA analysis will be required for any new vegetative treatment projects.
Utah Environmental Congress	The DEIS provides no knowledge of native species diversity on these allotments beyond that required to be gathered for individual TES-listed species. The DEIS fails to address how native species are doing, population-wise (4, 6). The Forest needs to modify the proposed action such that it will not reduce wildlife populations to less than the minimum viable populations.	The intent of NFMA regarding the evaluation of species viability is at the planning unit level (in this case – Fishlake National Forest) <u>only</u> for MIS-listed species (delineated in the Forest Plan). Viability determinations ( <u>on the Forest planning unit level</u> ) of the MIS listed species in the Fishlake Forest Plan is required. Viability determinations (resulting from this project) were made, on the Forest planning unit level, for MIS. There is no requirement to make a <u>viability</u> determination on Threatened, Endangered, Proposed, Candidate, or Sensitive (TEPCS) species. The Forest Service is only required to analyze effects and make effects determinations on TEPCS species as specified by the US Fish & Wildlife service (TEPC – concurrence list only includes species that occur on the Fishlake NF) and Intermountain Regional Forester’s sensitive species list for the proposed action and each alternative. There is no requirement to analyze for “native species diversity” or all populations of “native species”.
Utah Environmental Congress	The Forest needs to modify the proposed action such that it addresses and resolves all direct and indirect impacts to mollusks, native amphibians, and tall forb communities.	There are no tall forb communities located within the project area. CEQ requires that public scoping be used “for determining the scope of issues to be addressed and for identifying significant issues related to a proposed action” (43 CFR 1501.7). An issue is defined as a point of discussion, debate, or dispute about the environmental effects of the proposed action. During public scoping, no concern was expressed about the effects of reissuing term grazing permits and continuing to authorize cattle grazing on mollusks, native amphibians, or tall forb communities.
Utah Environmental Congress	The DEIS does not include an adequate disclosure and analysis of effects of the range of alternatives to migratory birds.	Direct, indirect, and cumulative effects to migratory birds is included in the DEIS at page 4-20. This is a combined discussion covering several MIS species. This was done because many of the effects of implementing the proposed action were common to all species analyzed.
<b>INADEQUATE ANALYSIS AND DETAILED INFORMATION</b>		
<b>COMMENTER</b>	<b>PUBLIC COMMENT</b>	<b>IDT RESPONSE</b>
Mary O’Brien, representing a six-party coalition	The DEIS fails to provide or publish information considered to be essential for informed public analysis, including 1) trends in major vegetation types, 2) maps of unsatisfactory/at risk sites, 3) existing soil types-forage potential tables and maps, 4) a graph showing the annual precipitation 1994-2004 and estimated AUMs on the eight allotments, 5) maps of allotment areas deemed suitable for cattle grazing, 6) a map of livestock-free areas currently being used to compare with livestock-grazed areas for each vegetation type, 7) maps of potential and current habitat occupancy and condition of plant and wildlife species of concern, 8) maps of potential and current vegetation occupancy, 9) maps of streams, springs, reservoirs, and water developments, 10) map of riparian conditions	NEPA does not require an exhaustive review of every ecosystem component. The purpose of an EIS is not a rigorous analysis of every facet of the environment, but a diligent "hard look" must be made to conclude, with foundation, whether there will, or may be, a "significant" environmental impact resulting from livestock grazing. During the NFMA analyses conducted prior to the NEPA documentation, the analysis area "characterization" was used to provide a "coarse filter" for narrowing the scope of the analysis to the key human uses and ecosystem elements of the landscape that are most relevant to livestock grazing. These human values and/or resource conditions were used to identify potential conflicts or issues with livestock grazing. Issues are mainly what the public is "asking" for from the land that constitute legitimate, <u>unresolvable</u> conflicts with livestock grazing. This DEIS has not identified any "unresolvable" conflicts with livestock grazing.  The FEIS will include as much tabular and spatial data of the resource conditions listed in this request that can reasonably be obtained.

<p>DOI, Office of Environmental Policy and Analysis</p> <p>Utah Environmental Congress</p>	<p>within each allotment, 11) estimation of miles of potential cutthroat trout stream riparian habitat free of cattle grazing, 12) maps of current and most likely potential future spread of exotic, invasive species, 13) allocation of forage and total estimated production and utilization of grass, forb, shrub, and aspen. 14) estimated proportion of annual forb and grass retention at the end of the growing season, 15) estimated cattle-equivalent AUMs of elk and deer supported by each alternative.</p> <p>Generally, the DEIS does not present and discuss monitoring data, trend analysis, current and predicted future climate conditions, historical use patterns, or current conditions within the allotments sufficiently to substantiate many of the statements made about rangeland health, or allow reviewers to make their own evaluations. We recommend this information be included in the FEIS.</p> <p>We recommend that more maps and charts are included to more clearly describe important areas or areas recommended for changes, including: fish and wildlife habitats for species of concern, MIS, and TES; recreation areas; riparian areas; timber production areas; special classified areas; UEC's National Forest wilderness proposal.</p>	
<p>Mary O'Brien, representing a six-party coalition</p>	<p>The DEIS fails to take a hard look at scientific evidence to support conclusions regarding potential adverse impacts of grazing to Arizona willow.</p>	<p>Although 23 populations of Arizona willow occur on the Fishlake National Forest, and even though extensive surveys have been conducted to locate Arizona Willow within the project area, none occur within the analysis area or on the Beaver Ranger District. Direct, indirect, and cumulative effects of grazing to Arizona willow are disclosed in Appendix D (D-11) of the DEIS, Biological Evaluation of Sensitive Plant Species.</p>
	<p>The DEIS fails to take a hard look at scientific evidence to support conclusions regarding potential adverse impacts of grazing to archeological resources.</p>	<p>The DEIS relies on the conclusion from the Utah State Historic Preservation Officer (USHPO) and the June 5, 1996 MOU between the USHPO and USDA Forest Service, Utah Forests. The MOU concludes: "While it is conceivable that livestock on an archeological site could impact site components, there is no evidence that livestock activities in Utah Forests are causing systematic, adverse damage to sites...." The MOU requires that grazing programs on the National Forests in Utah shall be administered in accordance with stipulations defined in the MOU.</p>
<p>Mary O'Brien, representing a six-party coalition</p> <p>Utah Environmental Congress</p>	<p>The DEIS fails to reference scientific literature to support conclusions regarding potential adverse impacts of grazing to threatened and sensitive species.</p>	<p>Based on information contained in the BA, the USF&amp;WS concurred with the determination that cattle grazing on these eight allotments is "not likely to adversely affect" Utah prairie dog, bald eagle, and yellow-billed cuckoo. Appendix C to the DEIS is the Biological Assessment for Threatened, Endangered, Proposed, and Candidate Species. The BA contains its own section on literature cited. Appendix D to the DEIS contains the Biological Evaluation for Sensitive Plant Species and Appendix E contains the Biological Evaluation for Sensitive Vertebrate Species. Each BE incorporates its own section on literature cited. In addition, the "Life History and Analysis of Endangered, Threatened, Candidate, Sensitive, and Management Indicator Species of the Fishlake National Forest" is incorporated by reference. This document provides an extensive and complex review (including scientific literature) of threatened and sensitive species occurring on the Forest.</p>
<p>Mary O'Brien, representing a six-party coalition</p>	<p>The DEIS does not acknowledge or address a study of ecosystem responses in riparian meadows conducted in the Blue Mountains of northeastern Oregon. This study found dramatic loss of water infiltration in wet and dry meadows due to compaction of soil by livestock grazing.</p>	<p>For the project area of this assessment, various types of surveys were conducted in streams for aquatic species (DEIS Chapter 3). A coarse-filter assessment of existing stream and riparian conditions was conducted in 1998. Riparian evaluations during the mid-1990's on many of the stream systems within the project area provided information on the ecological status of many of the riparian areas. Level II Riparian inventories, conducted in 2002 and 2003 on the west side of the Beaver Ranger District, reported on riparian conditions. Soils evaluations concluded that "most grazing activities" associated with domestic livestock on upland landscapes <u>do not exceed</u> the maximum thresholds listed in the R4 / Soil Quality Standards for causing detrimental site disturbances. In addition, the distribution of above-ground organic matter is usually sufficient, in terms of protecting the soil surface from accelerated erosion losses, according to the R4 / SQS areal extent guidelines. Specifically, at least 85 % of the activity areas have soil properties that remained in satisfactory condition using the current grazing systems based on sampling observations made during implementation, effectiveness or validation type monitoring studies. The DEIS concludes that "These surveys are the most recent and comprehensive data source available to</p>

		evaluate the existing condition of riparian resources on the Beaver Ranger District.” Although site-specific surveys were thought to be more relevant than a study conducted in the Blue Mountains of Oregon, the concept of decreased infiltration and soil compaction is valid and common in grazing effects literature. In fact, decreased infiltration and soil compaction was identified and disclosed on pages 3-11 and 3-12 of the DEIS.
TEPCS AND MIS		
COMMENTER	PUBLIC COMMENT	IDT RESPONSE
John Keeler, Utah Farm Bureau Federation	The effects on “Threatened and Endangered Species” would not be serious nor would it “adversely affect” the species of concern.	This comment is consistent with the concurrence provided by the USF&WS.
Utah Environmental Congress	Lynx and other threatened species have been using the habitat in these allotments this year.	On April 8, 2004 the threatened and endangered species list for the Fishlake National Forest was updated with the USF&WS. Lynx was not identified as inhabiting any areas within the eight allotments or the Fishlake National Forest. On April 23, 2004, the USF&WS concurred with this updated species list. By agreement, the USF&WS will notify the Forest Service immediately when a species that falls within the range of the Forest is either added or deleted from federal status.
Utah Environmental Congress	The Forest needs to include a discussion and analysis of how current management has affected the population trends of MIS.	Management Indicator Species (elk, mule deer, Bonneville cutthroat trout, Rydberg’s milkvetch, northern goshawk, cavity nesters, sage nesters, riparian guild, sage nesters, macroinvertebrates, and resident trout) direct, indirect, and cumulative effects are provided on pages 4-20 through 4-25 of the DEIS. Additional information is provided in the life histories document in the appendix.
SOCIO-ECONOMICS		
COMMENTER	PUBLIC COMMENT	IDT RESPONSE
John Keeler, Utah Farm Bureau Federation	The economic benefit to the local area is essential and a vital part of the total economy. Without public lands livestock grazing there would be a serious negative effect on the economy of the area. The figures in your analysis are a few years old and the cattle market has improved greatly in the most recent years.	The effects of the Proposed Action on Socio/Economics is discussed on pages 4-32 through 4-34 of the DEIS. The DEIS concludes that under the Proposed Action there would not be adverse social or economic effects to either permittees or rural community life-styles.
DOI, Office of Environmental Policy and Analysis	The socio-economic analysis fails to analyze obvious, significant economic relationships of cattle grazing or reduction of cattle grazing.	While economics plays an important role in ranching as any business, the cultural lifestyle appears important to the permittees as well as local people of the rural communities. The permittees’ livelihood will be reviewed in all alternatives equally. A social/economic analysis has been prepared and is appropriate to the issue of the economic livelihood of the permittee. The DEIS includes an economic analysis that considers the revenues, benefits, and costs associated with the grazing permit. A present net value is displayed for each grazing area. The DEIS also discusses the social considerations of the decision including the effects on the permittees operation, local communities, and the livestock industry. Table 4-14 compares socio-economic components and their effects. The value of grazing to the local, rural communities is sufficiently discussed in the socio/economics sections of the DEIS and meets the intent of NEPA to disclose the economic effects of proposals ( 40CFR 1508.8, 1508.14). In the FEIS the socio-economics discussion will be reviewed and revised or supplemented as needed.
ENFORCEMENT AND MONITORING		
COMMENTER	PUBLIC COMMENT	IDT RESPONSE
Utah Environmental Congress	The DEIS lacks a description of adequate binding points at which the AMPs will force grazing levels to be adjusted in response to monitoring data that shows over-utilization.	Enforcement of AMP provisions is an administrative procedure. Direction and guidance for suspension or cancellation of grazing permits due to noncompliance (including excess use) is provided in FSH 2209.13—Grazing Permit Administration Handbook.
Utah Environmental Congress U.S. EPA	The DEIS fails to identify why the Forest will be able to adequately enforce grazing standards; no additional money for increased range enforcement or range monitoring is identified in the proposed action. (4) The DEIS lacks identification of where funding will come from to implement monitoring and enforcement.	Funding for the Forest Service’s range management program is outside the scope of this DEIS. Ultimately, if resource damage is occurring as a result of the inability to implement an AMP or provide sufficient monitoring to assure compliance and progression to desired conditions, adjustments in livestock numbers and or season of use must be administratively made.
CUMULATIVE EFFECTS		
COMMENTER	PUBLIC COMMENT	IDT RESPONSE
Utah Environmental Congress	The analysis of the cumulative effects should be more detailed and is insufficient.	Cumulative Effects Analysis is provided in Chapter 4 in accordance with CEQ requirements. Reasonably foreseeable activities and cumulative effects for each key issue are disclosed in Chapter 4 of the DEIS. Past and present activities that influence the existing conditions and contribute to projected cumulative effects are disclosed for each key issue.
DESIRED CONDITIONS		
COMMENTER	PUBLIC COMMENT	IDT RESPONSE
DOI, Office of Environmental Policy and	Every allotment listed in Table 1-4 has undesirable conditions. Yet the action plans for these allotments are similar, if not identical, to	As discussed in the DEIS (1-2), a Forest Plan amendment incorporating new forage use criteria was completed during 2001 and the revised criteria was included in all Term Grazing Permits in February 2002. This was the major

Analysis	historical strategies. We believe the FEIS should include a thorough discussion of why these areas are still in unacceptable condition, why continuing present management is expected to improve conditions, and if not, what management actions will be taken to improve them.	management change that was identified as necessary in the 1998-2000 EA process, for which the decision was withdrawn. Because of its importance, a Forest Plan Amendment was then pursued and revised utilization criteria were effected. This is the change to current operations that is intended to intensify management and move existing conditions toward desired conditions (see Table 1-4). Monitoring would determine success with annual use objectives and compliance with management direction included in Allotment Management Plans. Adaptive management processes (DEIS 1-14) provide that "If prescribed management fails to result in the desired outcome, alternative strategies will be developed by the IDT, and management will be 'adapted' until the desired outcome is achieved."
Utah Environmental Congress	Forecasted conditions need to be displayed alongside existing conditions to provide a visual characterization of how proposed management practices will affect the environment.	Existing condition and desired condition for each key ecosystem element are displayed for each allotment on pages 1-9 through 1-12 of the DEIS. Desired conditions for each of the key element features are refined in the AMP planning and implementation proces. They may become AMP objectives if existing conditions differ from desired conditions and management actions can effect a change toward desired conditions. Existing conditions or AMP objectives, action plans, and monitoring needs form the framework for the AMP.
<b>CORRECT NEPA LANGUAGE</b>		
<b>COMMENTER</b>	<b>PUBLIC COMMENT</b>	<b>IDT RESPONSE</b>
Utah Environmental Congress	When NEPA documents refer to EAs, they refer to Environmental Assessments, whereas "Environmental Analysis" is not defined in the CEQ regulations implementing NEPA.	Thank you for pointing out this grammatical inconsistency in the use of "analysis" and "assessment". Corrections will be made in the FEIS.

**F. SMU-G COMPARISON COMMENTS BY MARY O'BRIEN AND FS RESPONSE.**

In addition to the comments derived from the written text of respondents during the N&C period, Mary O'Brien, representing a six-party coalition, provided a table showing a comparison between the Proposed Action and the SMU-G Alternative. She included a column titled "U.S. Forest Service Evidence of Reasonableness of the SMU-G Alternative". The IDT has also provided response statements for the comments about Forest Service "evidence" in this column in the following table:

**COMPARISON OF “ALTERNATIVE A” AND SUSTAINABLE MULTIPLE USE ALTERNATIVE  
For Reissuance Of Term Grasping Permits On Eight Cattle Allotments  
Beaver Mountain Tushar Range  
Submitted by Mary O’Brien October 18, 2004 (Public Comment during N&C Period)**

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
ALLOWABLE FORAGE USE	<u>Riparian:</u>	Cattle grazing in riparian areas to	Riparian areas are unsuitable for cattle grazing except in designated sites spaced for essential access to water or crossings	A Level II Riparian Inventory has documented degraded riparian areas within many stream reaches in the DEIS area, including soil compaction; bare slopes; loss of native vegetation cover; bank instability; downcutting; and absence of beaver in suitable habitat (Petty 2003)	<p>The existing conditions described as “evidence” are conditions that were created under historic use patterns that allowed 50-60% use of key species under deferred rotation systems and 70-80% of key species under rest-rotation systems. This allowable use was modified in 2001 through an Environmental Assessment to revise the forage utilization standards by way of an amendment to the Forest Plan. These revised standards were implemented through the term grazing permits in 2002. These revised standards, over time, will allow recovery of many of the unacceptable conditions described here. See DEIS 4-5, 4-13.</p> <p>27 streams within the grazing allotments on the Beaver Ranger District were surveyed in 2002, 2003 and 2004. Degraded riparian conditions were documented in 18 of the 27 streams surveyed. In 9 of the 18 streams where over-grazing problems were documented in riparian areas, the majority of the stream channel was in good condition except for a few problem areas. For detailed explanations and associated management recommendations for individual streams, please see the complete reports prepared by contractor Jeff Petty (USDA FS 2002, 2003a and 2004). Included in the EIS is a summary analysis of the Level II riparian data, including Rosgen stream type (Rosgen 1996) and soil compaction, stratified by stream type. This analysis illustrates that the majority of stream length on these streams was comprised of A and B channels, with smaller percentages of C, E and G channels in some cases. For example, the South Fork of the Beaver River was comprised of 76% A channel, 18% B channel and 6% C channel (Table 3-4).</p> <p>Soil compaction was selected as one of the most useful variables in the Level II data that indicates the extent of grazing activity in a stream reach (Dale Deiter, personal communication). However, it should be noted that soil compaction may not be as useful in addressing riparian plant community composition. The summary of soil compaction data reveals that compaction generally varied by channel type. A channel types generally had the highest percentages of stream length classified with slight compaction, followed by B channels. Although the C, E and G channel types comprised a relatively small percentage of the total stream length, they were rated with the highest percentages of severe soil compaction in many cases (Table 3-4). To illustrate this, the South Fork of the Beaver River can again be used as an example; although only 6% of the total stream length was classified as C channel, when looking only at those C channel reaches, 62% of the channel length was rated with severe compaction.</p> <p>The information in cluded in the EIS supports many of the qualitative observations in the Level II reports, which clearly state that problem areas do exist within the streams surveyed, but they comprise a relatively small percentage of the overall stream network in many cases. (The soils compaction data further illustrates this point). The soil compaction data is also generally consistent with Rosgen (1996), who characterized the sensitivity to grazing</p>
	<u>Grass and Forbs</u>				

<sup>1</sup> Riparian Emphasis Management Areas is not defined (at least as far as I can find).

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
				<p>Riparian areas in the North Indian and Pine Creek/Sulphurbeds allotments are “functioning at risk” Portions of riparian areas in Ten Mile, South Beaver, Marysvale, Junction, Cottonwood, and Circleville Allotments are functioning at risk (Table 3-1, DEIS 3-2 to 3-4).</p> <p>Zero documentation exists for any riparian forage utilization monitoring during at least the past five years for seven of the eight allotments (October 4, 2004 response to FOIA request). Utilization data exists on one riparian species (a <i>Carex</i> species) for three of the five years on the Ten Mile Allotment only).</p> <p>Some of the stream systems within the DEIS area have lost natural shrub structure, primarily willow (DEIS 3-6)</p> <p>Better diversity exists in areas that have exclosures, fences, or limited access (DEIS, p. 3-12).</p> <p>The risk of nutrient loading and bacteria “is high where cattle have direct access to lakes, reservoirs and riparian areas” (DEIS, 4-15)</p>	<p>disturbance by channel type, stating that steep, confined channels (such as A and B types) have very low to moderate sensitivity to grazing disturbance, and that low gradient, unconfined floodplain channels (such as C, E and G types) have very high sensitivity to grazing disturbance.</p> <p>Table 3-1 records that riparian areas on the North Indian Allotment are in mid-seral condition, but FAR. The description of riparian conditions in Table 3-1 for PC/Sulphurbeds is consistent with Petty’s summary at Table 3-2. The remainder of the riparian conditions described in Table 3-1 also correspond to Petty’s report: “Riparian areas are generally in good condition, mid-seral to late seral and functioning to functioning at risk”. The DEIS (4-21) determined that adherence to the proper use criteria would protect riparian areas from degradation. “Under this proposed action, there would still be reduced vegetation but within recoverable limits. Current year’s growth would be retained at 40% or greater on upland sites and riparian species would be retained at 1 1/2”- 6” depending on management area and/or species. Riparian areas would retain a minimum of 70% ground cover. Riparian upland browse would be retained at a minimum of 40-50% depending on age class. These proper use criteria would retain the character and proper functioning condition of healthy riparian areas and improve conditions in unhealthy riparian areas....”</p> <p>The 10-year monitoring report, completed in June 2003, indicated that 190 use photo records, 100 unit exams, and 40 annual utilization surveys were completed on the Beaver RD. 90% of the utilization studies indicated use in excess of allowable levels. The report concluded that general upward trends in uplands indicate that stocking levels are fairly consistent with established capacities. However, it noted that many riparian areas are used to excessive levels. In most cases this is a management problem rather than a capacity problem. This pattern of excessive use was recognized in the initial analyses of these allotments and resulted in the Plan Amendment for forage utilization standards.</p> <p>This description is listed as an indicator of low seral condition. At DEIS 3-6 no streams are identified; however, those areas described by Petty for the Little North Creek area and Big Twist Creek may have some streams that have lost their natural shrub structure.</p> <p>Some of the riparian areas are dominated by Kentucky bluegrass and do not have the diversity of vegetation or the amount of sedges, willows, or other woody vegetation that would be expected in functioning riparian areas.</p> <p>The DEIS at 4-6 notes that Bryant (1985) stated that total exclusion of all human activities from riparian areas is unlikely to return those areas to pristine condition. Hall (1985) agreed, “Even if livestock grazing were excluded from public lands in the Great Basin, the resulting circumstances would not provide optimum habitat conditions.”</p> <p>No waters within the analysis area have been included on the State’s 303(d) list of waters not meeting Water Quality standards.</p>

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
				<p>Mid-season grazing in riparian areas can "...limit the shift towards more deeply rooted perennial plants and the opportunity for rapid successional change to desired conditions" (DEIS, p. 4-6)</p> <p>"It is remarkable how well this area [i.e., reaches A 31-4 and A 31-5 of South Birch Creek] has responded due to the <u>elimination of livestock grazing, and it should support further similar actions on other streams</u>" (Petty 2003, emphasis added).</p> <p>"In most areas where livestock grazing was permitted in riparian habitat, horizontal and vertical structure has been significantly altered and structure is minimal." [in goshawk discussion] (DEIS, E-11)</p> <p>Habitat trend for riparian areas is decreasing (USDA 1986, Table III-20, p. III-37)</p>	<p>This is simply the described potential effect of grazing under a deferred-rotation system with early, mid, and late rotations.</p> <p>Effects described under the No Grazing alternative at DEIS 4-7 agree with this statement: "This alternative would provide the fastest rate of recovery for all grazing impacted reaches and ensure that these reaches achieve a properly functioning condition that fully supports all beneficial uses".</p> <p>This is a discussion of past actions under the cumulative effects section. Grazing at proper use minimizes any direct effects to goshawk individuals or habitat (DEIS E-11).</p> <p>The PFC Assessment for the High Utah Plateaus and Mountains Section noted that riparian areas throughout the Region, including the project area, have been significantly affected by succession to conifer species. Changes in fire frequencies and interruption of historic disturbance patterns have encouraged encroachment by conifers. Increased conifer densities have led to decades of reduced flows, lowered water tables, exotic plant encroachment, increased water temperatures, concentrated runoff, and changes in vegetation density and composition. The indicators are that there are major ecological forces occurring on which livestock grazing may have little influence (DEIS 3-6).</p>
<b>ALLOWABLE FORAGE USE</b>	<u>Upland Grass and Forbs</u>	Unchanged from 1986: 40%-60% utilization of grass/forbs by cattle and/or wildlife	<ol style="list-style-type: none"> <li>25% utilization of grass/forbs by cattle (allowing 25% for wildlife; 50% biomass retention by grasses/forbs</li> <li>≤40% utilization by cattle/wildlife of grasses/forbs in "unsatisfactory condition" shrublands/grasslands; 60% biomass retention by grasses/forbs</li> </ol>	<p>Upland slopes in some riparian areas in the DEIS area have poor herbaceous species composition and low ground cover, e.g., uplands in South Fork Baker Canyon, Big Twist Creek, South Creek (Petty 2003); see DEIS 4-23.</p>	<p>Contrary to the Alternative A statement, upland use criteria is not "unchanged from 1986". Previous upland standards allowed up to 80% use of key species in rest rotation systems. Revised criteria implemented in 2002 changed the maximum allowable use to 40-60%. This is consistent with the SMU-G proposal, which allows 25% for cattle and 25% for wildlife, combining to total 50% use.</p> <p>The existing condition statement is specific to South Creek in the South Beaver Allotment. The DEIS at 1-5 and 1-17 describe the upland conditions as being "in satisfactory condition with stable to upward trends". The FNF 10-Year Monitoring Report (6/4/2004), based on Big Game Range Studies (1998), 375 range site analyses (2001-2002), 464 C&amp;T studies, and Dr. Charles Kay's photo-repeat survey (August 2003), indicates that upland range ecological condition, as indicated by species diversity and ground cover, is generally stable to up on the FNF.</p> <p>Included in the FEIS appendix will be a "white paper" on "The Science Behind Grazing Utilization Standards". Utilization standards have been developed</p>

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
				During drought, livestock “may actually utilize” non-range, very steep terrain (DEIS 3-11).	<p>based on scientific research on common rangeland species (Clary and Wester 1988, Clary 1995, Crider 1955, Richards et al. 1987, Richards and Caldwell 1985, Shepard 1971, Valentine 1990). They are based on ecological principals, management concerns, and averages for representative floristic lifeforms (grasses, grasslikes, and shrubs). Measurement of utilization is based on the annual production of above-ground biomass of plants and is stratified by management type, rangeland ecosystem conditions, and by broad groups including upland, riparian, browse, crested wheatgrass seedings, and alpine ecosystems (Padgett 1995). The “take half, leave half” rule of thumb insures that there is sufficient meristematic tissue remaining for maintenance of the existing plants. Translated, this means that plant communities will be able to maintain their existing status with 50 percent use.</p> <p>The referenced “evidence” is mis-quoted. The DEIS at 3-11 does not describe “drought”. It is correctly cited as “During unfavorable climatic conditions...” and is actually referring to wetter conditions of soil saturation which “results in the detachment and transport of eroded soil material”. The Fishlake NF applies drought management strategies developed in 2003 for assessment and mitigation during long-term drought. This “Guide to Drought Assessment and Mitigation” will be included in the FEIS appendix.</p>
	<u>Shrub-aspen sprout branch tips</u>	<ol style="list-style-type: none"> <li>≤40% browse of current year’s “available” twigs on sprouts and young-aged plants</li> <li>≤50% browse of available twigs on mature plants</li> </ol>	<ol style="list-style-type: none"> <li>≤30% browse of current year’s branch tips by cattle and wildlife by end of cattle grazing season</li> <li>≤20% browsed stem tips of shrubs in shrublands/grasslands of “unsatisfactory condition”</li> </ol>	<p>There is loss of shrub structure, primarily willow, in lower seral condition streams in the DEIS area (DEIS 3-6)</p> <p>Western yellow-billed cuckoo potentially suitable riparian habitats on portions of City Creek, Clear Creek, Fish Creek, and Mill Creek “lacked the dense brushy understories needed...” (DEIS, C-10)</p>	<p>This “evidence” statement is used at DEIS-6 as an indicator for early seral condition in riparian areas. Some riparian areas with moderate gradient to flat bottom streams are in early seral condition. Petty’s report (DEIS 3-6) identified 8 streams out of 30 that did not meet the objectives of healthy watersheds and riparian systems. Table 3-1 indicates that, although several riparian systems are identified as FAR, only City Creek and Cottonwood Creek are considered to be in early seral condition.</p> <p>Of these four creeks, City Creek is the only one that lies within the project area. Western yellow-billed cuckoos are not known to occur on the Fishlake National Forest and much of the surveyed habitat within the analysis area fails to possess dense brushy understories for the cuckoo. Some western yellow-billed cuckoo potentially suitable habitats within the analysis area do possess these components. Strict adherence to proper use criteria will minimize vegetation changes that may contribute to these impacts on these habitats. Therefore, the proposed action may affect but is not likely to adversely affect the western yellow-billed cuckoo and/or its habitat. (DEIS C-12)</p>
	<u>Goshawk habitat</u>	Standard Fishlake grass/forbs utilization	≤20% utilization (ave.) by wildlife and cattle within 30 acres of goshawk nest, 400 acres of fledglings, and 5,400 acres of home range	<p>The SMU-G Alternative follows livestock grazing recommendations in Reynolds, et al. (1992), a report from the FS Rocky Mountain Forest and Range Experiment Station.</p> <p>Livestock may affect forage and cover resources for goshawk prey (Reynolds et al., 1992).</p>	<p>Contrary to the Alternative A statement that goshawk area utilization criteria is “standard Fishlake grass/forbs utilization”, in 2000 an Environmental Assessment was completed that amended all forest plans in Utah to include criteria recommended by Reynolds et. al. and Graham et al. (1999). These use standards were omitted from the DEIS but are specifically cited in the FEIS.</p> <p>The Utah Northern Goshawk Conservation Strategy and Agreement are being implemented on the Fishlake National Forest. The Forest recognizes this document for its sound ecological base and is implementing these principals. Furthermore, the Forest recognizes this publication as the best science available on goshawk management in Utah. As stated in this document, based on the data evaluated for this strategy, and the publication The Northern Goshawk in Utah: Habitat Assessment and Management Recommendations by Graham et al. 1999, goshawk populations are stable in Utah.</p> <p>There are only three confirmed goshawk territories found on the Beaver Ranger</p>

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
				<p>The Fishlake NF 2001 <i>Monitoring Report</i> notes that “Over the last several years the nesting territories of the Fishlake National Forest have experienced a decline in nesting activity. This can be attributed to a variety of factors including: the extended drought, early spring conditions, low prey densities, and wind and fire events” (USFS 2001).</p>	<p>District. Two of these territories are located within the Beaver River Watershed. These three nests occur on the North Beaver, South Beaver, and Circleville Allotments. The South Beaver and Circleville Allotments fall within the scope of this proposed action. Further observation records of the northern goshawk have also been documented on the North-Indian Creek and the Pine Creek-Sulphur Beds Allotments. There is, however, suitable goshawk nesting habitat on all of the 8 allotments within the proposed action area.</p> <p>The Forest Plan Amendment of Forage Utilization Standards and Guidelines (EA pg 36) determined that “grazing would have no effects to the large tree, snag or down wood habitat components for northern goshawk. Utilization standards of all of the alternatives considered in this EA are consistent with the direction in the Utah Northern Goshawk Amendment. Grazing at proper use would maintain suitable grasses, shrubs and forbs necessary for prey species and thereby maintain foraging habitat. None of the Alternatives considered in this EA would affect goshawks or goshawk viability, meeting the intent of the Management Recommendations for the Northern Goshawk in the Southwestern United States, Forest Service NFMA requirements and the LRMP.”</p> <p>Direct and indirect affects of grazing at proper use (40-50%) may occur, but these impacts would be minimal in closed conifer forests where livestock grazing is limited because of the general lack of available forage, and strict adherence to the proper use criteria alleviates impacts on aspen (DEIS E-10).</p>
<b>REFERENCE AREAS<sup>2</sup></b>		No reference areas are used to help judge relative condition of grazed sites/suitability for cattle grazing	Reference areas are used to help determine suitability of sites for cattle grazing	<p>The Three Creeks fishery “should be a model for other streams within the Beaver River watershed.” “Three Creeks is an impressive section of stream. The Forest Service should investigate what they are doing right on this stream and employ these methods in other areas of the forest that need better management” (Three Creeks report, Petty 2003; emphasis added)</p> <p>Two reaches in South Birch Creek are in exclosures and “could be used as a comparison site for ideal riparian vegetation and soil condition” (Big Twist Creek area, Petty 2003). Reaches “A29-12” of Pine Creek of South Fork “should be investigated and used as an example of pristine riparian condition” (Petty 2003)</p>	<p>The purpose for comparing grazed sites to reference areas is to determine the effects of livestock grazing (see Glossary: Reference Area). Monitoring change in vegetation communities, as affected by livestock grazing, is an integral part of the FS’s range management program. Although the FS does not particularly direct the establishment of “reference areas”, handbook direction provides for the establishment of benchmarks and key areas to determine both long-term and short-term changes within the vegetation communities. “Key areas” are indicator areas that are able to reflect what is happening on a larger area as a result of on-the-ground management. The use of “key areas” for monitoring are identified in the Monitoring Plan, Appendix G-1 of the DEIS. The locations of specific key areas are displayed in AMP’s. Benchmarks are usually located in each grazing unit of each allotment where long-term trend studies are established. The allotments within the project area have a total of 6 long-term Nested Frequency trend studies; 8 long-term Parker 3-Step transects; and 63 long-term Range Analysis sites that monitor changes over time. Refer to data sets in Appendix H (Maps) for number of studies per allotment.</p> <p>In addition to benchmark locations, there are 9 range exclosures, representing 50-80 years of exclusion from livestock grazing: Pine Creek Fish Exclosure, Pine Creek Sulphurbeds Allotment; Pine Hen Spring Exclosure, North Indian reek Allotment; Birch Creek Fish Exclosure and Utah Prairie Dog Exclosure, South Beaver Allotment; Beetle Creek Exclosure and Exclosure Corral, Circleville Allotment.</p> <p>In August 2003 Dr. Charles Kay completed a repeat photography study of</p>

<sup>2</sup> Reference areas are ecologically comparable sites as free as possible of anthropogenic disturbances (e.g., roads, ORV routes, water diversions); not grazed by livestock ≥10 years. Reference areas can be managed for control of invasive species, and treated for restoration of natural fire regimes.

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
					<p>rangeland and forest sites on the Fishlake National Forest. A selection of these repeat photos is included in the Appendix. Dr. Kay's work is available on the World-wide Web at <a href="http://extension.usu.edu/rra/">http://extension.usu.edu/rra/</a>. The website is titled "Utah's Rangeland Reference Area Website and provides rangeland reference data based on visual comparison of historical and recent photos. The project uses what is called repeat photography to compile a long-term perspective of ecological changes on the land. Dr. Kay concludes through photo representation: "Utah's rangelands were in very poor condition at the beginning of the 1900's due to unregulated livestock grazing. With the advent of modern range management, however, vegetation conditions have improved dramatically throughout south-central Utah. In general, Utah's rangelands are healthier today than at any time during the last 100 years."</p> <p>The Bullion Canyon Natural Research Area (NRA) and the Fish Creek NRA are located within the Tushar Range in proximity to the allotments within the project area. These NRA's may provide comparison of rangeland potential natural communities in the absence of livestock grazing.</p>
<b>FORAGE PRODUCTION REQUISITE FOR CATTLE GRAZING</b>		Minimum forage not required	<p>Forage production required for cattle grazing:</p> <ol style="list-style-type: none"> <li>1. sufficient to provide for wildlife and cattle at ≤50% combined utilization; AND</li> <li>2. grass/forb biomass ≥50% and ground cover ≥85% of a reference area; OR</li> <li>3. grass/forb biomass ≥50% and ground cover ≥85% of NRCS soil potential</li> </ol>	<p>Degraded watershed conditions in the Big Twist Creek area of the South Beaver allotment are primarily due to livestock and recreation management: "There has been such deterioration in plant production that the amount of forage currently growing on these rangelands <u>does not sustain the stocking rates</u>" (Petty 2003, cited in DEIS, 4-21, emphasis added).</p>	<p>Contrary to the Alternative A statement, the DEIS acknowledges (1-4) that forage production was used in the establishment of tentative grazing capacities when initial stocking rates were assigned approximately 40 years ago. Adjustments to stocking rates have been routinely made over the years since then as monitoring has indicated that changes were needed. Forage production requirements used to determine rangeland capability in Forest Plan revisions in the Intermountain Region is based on the potential to produce an average of 200 pounds of forage/acre/year on an air dry basis over the planning period.</p> <p>FSH 2209.11(29) directs that "Grazing capacities shall be based on allowable use determinations for a period of a minimum of three years on season-long grazing allotments and a minimum of a full rotation on rest or deferred systems. This time period for proper-use determinations allows for vegetative production fluctuations due to weather... Forage production is never static, therefore, initial forage allocation decisions must be coupled with appropriate monitoring...."</p> <p>The degraded conditions in the Big Twist Creek are recognized and desired conditions, AMP objectives, and action plans are indicated in the DEIS (Ch 1, Table 1-4).</p>
<b>DISTURBED SITES (E.G., FIRE, MECHANICAL TREATMENT)</b>		<ol style="list-style-type: none"> <li>1. Avoid cattle grazing a minimum of one growing season following fire (unless the burn was low severity/intensity during the dormant season)</li> <li>2. If a site is reseeded or mechanically treated, avoid cattle grazing for a minimum of two growing seasons</li> </ol>	<p>Avoid cattle grazing of burned sites until recovery to forage production standards (see above)</p>	<p>Alternative A itself acknowledges the reasonableness of avoiding more than one year of cattle grazing following fire.</p>	<p>The DEIS (2-2) lists 24 mitigation measures of which 3 deal specifically with disturbed sites. Applied practices include rest from grazing, seeding with native species and/or appropriate seed prescriptions.</p>
<b>MEADOWS</b>		Same as for upland grass/forbs and browse	<p>Can be grazed if soil bulk density ≤10% higher at end of grazing season compared to a reference meadow</p>	<p>Habitat trend for meadows is decreasing on the Fishlake NF (USDA 1986, Table III-20, p. III-37)</p> <p>Petty (2003) notes instances where better cattle management is needed in meadows, e.g.,</p>	<p>It's unclear whether this management feature is upland meadows or riparian meadows. The indication in the Alternative A statement is that the discussion is about upland meadows. However, the reference to Petty under the SMU-G Alternative talks to riparian areas.</p> <p>The allowable use for upland meadows under the Proposed Action is, as described, the same as for upland grass/forbs and browse. The 10-Year Monitoring Report (June 2003) noted that "...upland meadows are being</p>

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
				<p>South Fork Beaver River, Lousy Jim Creek.</p>	<p>encroached by mixed conifer species, sagebrush, and pinyon-juniper. The indicators are that there are major ecological forces occurring on which livestock grazing may have little influence (DEIS 3-6).</p> <p>Re-sampling of range site analyses in 2002 on the Fishlake NF determined that only 19% of the meadow types surveyed were Functioning At Risk. 56% had stable or upward trends in watershed resource value ratings and an average 10% increase in ground cover since the original readings were made in the 1960-1970 period.</p> <p>The DEIS (3-11) states: "It should be noted that " most grazing activities " associated with domestic livestock on upland landscapes do not exceed the maximum thresholds listed in the R4 / Soil Quality Standards for causing detrimental site disturbances. In addition, the distribution of above-ground organic matter is usually sufficient, in terms of protecting the soil surface from accelerated erosion losses, according to the R4 / SQS areal extent guidelines. Specifically, at least 85 % of the activity areas have soil properties that remained in satisfactory condition using the current grazing systems based on sampling observations made during implementation, effectiveness or validation type monitoring studies."</p> <p>It should be noted that in discussion of a December 24, 2004 revision of this table, the SMU-G Alternative changed the ≤10% to ≤15% and cited that it is a FS standard. This reference is to a 9/3/1991 FSH [FS 2509.18 (Table 2.2-Exhibit 1—Examples of Soil Quality Standards)]. Compaction is listed as a soil disturbance threshold in this table with a footnote that says, "The values and descriptions used in this table are examples and not intended to be standards". The text in this chapter directs that "soil quality standards should be established in the Forest Plan". Table 2.2-Exhibit 1 was revised in the 1/21/2003 update of the Handbook. It is now titled: Indicators and Methods for Measuring Detrimental Soil Compaction". The reference to ≤% bulk density has been replaced with "significant change in the distribution of Bulk Density". The text in the revised handbook discusses soil compaction in terms of one of the many soil properties for which "guidelines" can be established for monitoring the effects of management activities.</p>
<p><b>ASPEN STANDS</b></p>		<p>Same as for upland grass/forbs and browse</p>	<p>Can be grazed if:                      1. young stems are above elk/deer/cattle browse height;                      AND                      2. grass/forb biomass ≥50% and ground cover ≥85% of a reference area; OR                      3. grass/forb biomass ≥50% and ground cover ≥85% of NRCS soil potential</p>	<p>Habitat trend for aspen is decreasing on the Fishlake NF (USDA 1986, Table III-20, p. III-37)</p> <p>"In most cases [of aspen regeneration treatments] sites fenced to preclude all cattle and wildlife browsing produced the greatest number of aspen suckers compared to adjacent, unfenced, or cattle-excluded sites...it is also important for terminal shoots of the young aspen to grow beyond the reach of browsing ungulates before treatments can be deemed successful.... [U]nder low</p>	<p>Changes in fire frequencies and interruption of historic disturbance patterns have encouraged encroachment by conifers into aspen woodlands. Increased conifer densities have led to changes in vegetation density and composition. The indicators are that there are major ecological forces occurring on which livestock grazing may have little influence (DEIS 3-6).</p> <p>Re-sampling of range site analyses in 2002 on the Fishlake NF determined that there has been no change in the Watershed Resource Value Rating in the aspen vegetation type since the original readings were made in the 1960-1970 period. Ground cover has remained stable as well.</p> <p>The DEIS (E-10) determined that direct and indirect effects of livestock grazing at proper use would alleviate adverse impacts on aspen within the analysis area.</p>

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
				densities of elk, deer, and cattle, their cumulative utilization may ultimately doom restoration efforts [in aspen sites] to failure unless relief from excessive browsing can be guaranteed” (DEIS, E-10, citing a study cited in the Beaver River Watershed Analysis (USDA 2003)	
<b>WILDLIFE HABITAT</b>		Grazing/exclusion as per Conservation Agreements and Recovery Plans.	<ol style="list-style-type: none"> <li>1. Key mule deer fawning and winter habitat unsuitable for cattle grazing</li> <li>2. Occupied and potential TES habitat can be grazed by cattle if evidence indicates grazing will not directly or indirectly contribute to retardation of the species’ reproduction and potential spread</li> </ol>	The DEIS itself acknowledges the reasonableness of grazing exclusion to effect conservation and recovery of native wildlife species that are vulnerable to decline or extirpation.	<p>There is no indication from the Utah Division of Wildlife (UDWR) that mule deer population declines on the Beaver Mountain herd unit are the result of competition with livestock. Management of TES habitat and populations is in accordance with conservation agreements and recovery plans, as stated.</p> <p>The Utah Division Of Wildlife Resources Statewide Management Plan For Mule Deer (November, 2003 and currently in effect) states that, “... The deer herd has been in a state of decline for over thirty years. There are many factors contributing to this decline especially the loss and degradation of habitat... There is little evidence to support that elk or livestock are responsible for declines in mule deer populations... Other factors such as predation and disease are intensified when habitat quality is reduced. If deer herds are to recover in Utah, weather patterns will need to return to normal and extensive habitat work will need to be done to rehabilitate critical deer winter ranges.</p> <p>UDWR notes, “In 2003, Utah was in the fifth year of an extended drought. Utah recorded the driest year on record and the hottest month on record (July) in 2002. The hottest month record was broken again in July of 2003. This drought has resulted in poor fawn production and damage to the vegetation on many critical mule deer winter ranges. In order for this downward trend in the mule deer population to reverse, it will be necessary to return to more normal precipitation and weather patterns. Extensive work will also need to be done to rehabilitate drought damaged mule deer ranges....</p> <p>“Mule deer thrive in early successional habitats, where forbs, grassy plants and shrubs dominate... Many shrub-dominated rangelands have gradually been converting to either tree-dominated communities or grasslands due to a variety of conditions. The conversion to grassland has been accelerated in recent years due to drought, fire, invasive weed species and other causes. Fawn production and deer populations have declined in response to weather conditions and habitat changes. Deer herd recovery in Utah will require the reconversion of thousands of acres of winter range to healthy, shrub-dominated communities.”</p> <p>In stating their population management objective, UDWR notes, “Meeting this objective will require a return to normal precipitation patterns and implementation of the strategies in this plan. If precipitation does not return to normal and habitat objectives are not met, it is unlikely the herd will expand beyond the current level of 280,000 deer.”</p> <p>The 1995 comprehensive literature review of the effects of livestock grazing document titled “Effects of Livestock Grazing at Proper Use” (pg 107) determined that, “Proper use would maintain shrubs, grasses and forbs use by deer. Critical summer range would maintain adequate forage and cover to meet</p>

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
					Forest Plan standards and guidelines. Critical winter range would be maintained to provide various browse species, as described in the Forest Plan. Critical fawning areas that are in unsatisfactory condition would be expected to improve and those that are in satisfactory condition would be maintained or improved. Riparian areas, that are presently in unsatisfactory condition, would be expected to improve with proper use, thereby providing improved fawning habitat and mule deer habitat in general. "Reseedings" or vegetation treatment areas would continue to provide forage for livestock and mule deer with proper use as described.
<b>INVASIVE SPECIES SITES</b>		Suitable for cattle grazing	Unsuitable for cattle grazing if site contains any of the ten exotic, invasive species considered most threatening to the Tushar Mountain Range area	Selective foraging can favor survival and reproduction of plants with low palatability (Parks, et al. 2004 -- a Forest Service Pacific Northwest Research Station white paper).	Approximately 2,423 acres of invasive noxious weeds occur on four of the eight project allotments (North Indian Creek, Marysvale, Circleville, and Pine Creek/Sulphurdalale), including 7 species: leafy spurge (1 ac), musk thistle (20 ac), scotch thistle (1563 ac), diffuse knapweed (1 ac), dalmation toadflax (1 ac), Russian knapweed (1 ac), and white top (836 ac).  Ten weed prevention measures are provided in the Noxious Weed Forest Plan Amendment EA (pg 2-4) (Appendix F-4) as mitigation practices to address livestock use concurrently with emphasizing prevention of weed invasion and limiting noxious weed spread. Prevention measures include the provision for eliminating livestock grazing within weed-infested areas when scheduling entry of livestock into weed-infested units cannot be coordinated or when necessary for reclamation of weed-infested sites.
<b>MUNICIPAL WATERSHEDS</b>		Suitable for cattle grazing	Unsuitable for cattle grazing if the watershed supplies culinary or household water	The risk of nutrient loading and bacteria "is high where cattle have direct access to lakes, reservoirs and riparian areas" (DEIS, 4-15)	No areas within the 8 allotments are on the State 303(d) list of waters not meeting WQ standards. Four municipal watersheds are identified in Table 3-7: City Creek, Cottonwood Creek, Oak Basin, and Pine Creek. The City Creek MWS is on the Ten Mile Allotment and provides culinary water for Junction City and the City Creek CG. Sources are fenced to exclude livestock. The Cottonwood and Oak Basin MWS occur on the Circleville Allotment. The Cottonwood MWS is fenced to exclude cattle and provides culinary water for Circleville City. The Oak Basin MWS is inaccessible to cattle and is used for pressurized irrigation only. The Pine Creek MWS occurs on the Marysvale Allotment and provides culinary water to Marysvale City.. The source is fenced and cattle are not allowed into Bullion Canyon.
<b>ARCHAEOLOGICAL SITES</b>		Suitable for cattle grazing	Sensitive archaeological sites unsuitable for cattle grazing unless evidence indicates grazing would not be likely to adversely impact the site	"Domestic livestock, particularly cattle and horses, can and do affect both historic and prehistoric heritage resources." (USFS 2003, 3-218)  Cattle grazing can: <ul style="list-style-type: none"> <li>• Remove and/or destroy surface vegetation, resulting in deflation of archaeological deposits</li> <li>• Compact or compress archaeological deposits,</li> <li>• Trail or cut through archaeological deposits exposing cultural materials</li> <li>• Chemically alter archaeological deposits by urine and feces,</li> <li>• Break historic and</li> </ul>	As part of the NEPA process for grazing authorizations, a Memorandum of Understanding (MOU) between the Utah State Historic Preservation Officer (USHPO) and USDA Forest Service, Utah National Forests (June 5, 1996) agrees that grazing programs on the National Forest shall be administered in accordance with stipulations defined in the MOU to satisfy the responsibilities under Section 106 of the NHPA for all individual undertakings of the program. The MOU concludes: "While it is conceivable that livestock on an archeological site could impact site components, there is no evidence that livestock activities in Utah forests are causing systematic, adverse damage to sites such that it would be desirable to recommend cessation of all grazing within all allotments or within areas containing many archeological resources." (DEIS 2-4).

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
				prehistoric artifacts from trampling. (USFS 2003, 3-218 and 3-219)	
<b>MONITORING</b>		<p><u>Annual</u></p> <ol style="list-style-type: none"> <li>1. Attainment of AMP goals, objectives, standards, and management practices</li> </ol> <p><u>Unidentified frequency, as determined in AMPs subsequent to FEIS</u></p> <ol style="list-style-type: none"> <li>1. Forage utilization</li> <li>2. Forage production at treatment sites</li> <li>3. Elk forage use</li> <li>4. Effects on TES species and/or habitat “to assure compliance with the Endangered Species Act”<sup>3</sup></li> <li>5. Long-term monitoring of results</li> <li>6. Monitoring of new information and data</li> </ol>	<p><u>Annual</u></p> <ol style="list-style-type: none"> <li>1. Forage remaining at end of season</li> <li>2. Forage production on burned sites until suitable for grazing</li> <li>3. Absence of cattle from riparian areas except at designated watering/crossing sites</li> <li>4. Presence of the ten most threatening exotic, invasive species</li> </ol> <p><u>Once every three years:</u></p> <ol style="list-style-type: none"> <li>1. Reference area forage production</li> <li>2. TES habitat condition</li> </ol>	Alternative A acknowledges the reasonableness of proposing annual and other monitoring of the allotments.	Under the description of Alternative A (Proposed Action) the purposes of monitoring are described as “...to determine accomplishment of objectives and movement toward desired conditions. The purpose of all monitoring activities will be to ensure that management objectives are being achieved”. Ten monitoring practices are outlined for consideration and incorporation into AMPs, and a monitoring plan is included in Appendix G.
<b>VEGETATION TREATMENTS</b>		<ol style="list-style-type: none"> <li>1. Continue <u>conversion of sagebrush</u> to maintain “moderately high forage production” for cattle as per AMPs</li> <li>2. Use <u>non-intrusive, exotic seedings</u> where native species <ol style="list-style-type: none"> <li>a. are not available</li> <li>b. are not economically feasible</li> <li>c. cannot compete with established exotic species, and/or</li> <li>d. native species have failed to meet objectives (e.g., for cattle forage)</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Use genetically-local native seed and seedlings in revegetation</li> <li>2. Use nonpersistent non-natives only as an emergency and as an intermediate step to accomplish native plant restoration</li> <li>3. <i>A revised SMU-G Alternative would explicitly prohibit conversion of sagebrush for cattle forage</i></li> </ol>	<p><i>Re: not continuing sagebrush conversion:</i></p> <p>Sage grouse (a Region 4 FS sensitive species) decline is primarily due to <u>loss of habitat</u> due to overgrazing, <u>elimination of sagebrush</u>, and land development (Rodriguez 2004)</p> <p>“Protection of sagebrush, particularly on floodplains and where high water tables allow growth of tall, dense stands, is vital to the survival of pygmy rabbits (Flath 1994). Fragmentation of sagebrush communities also poses a threat</p>	<p>This DEIS <b>DOES NOT</b> propose any new/additional conversion of sagebrush. It does prescribe, “Through appropriate re-treatment, maintain moderately high forage production levels on vegetation type-conversion sites where it is economically practical.” (DEIS 1-6). Mitigation number 18 (DEIS 2-3) directs that “The use and perpetuation of native species should be emphasized....”</p> <p>DEIS E-15: Since sage grouse are not known to be present in the analysis area, effects to sage grouse individuals would not occur from this proposed action. Maintenance of vegetation conversions (as described in this proposed action) can improve potentially suitable habitat in some cases and cause it to decline in others. Vegetation conversions from an original disclimax pinyon-juniper cover type to early seral grass and subsequent late seral sagebrush may create potential habitat for sage grouse. Vegetation conversion from sagebrush to early seral or monocultured grass may eliminate potential habitat for sage grouse. Sage grouse have declined primarily because of loss of habitat due to overgrazing, elimination of sagebrush, and land development (Rodriguez 2004). Therefore, this proposed action may impact sage grouse individuals and/or their habitat but is not likely to cause a trend to federal listing or a loss of viability.</p> <p>DEIS E-16: To date, the presence of pygmy rabbits has not been recorded within the analysis area. Strict adherence to proper use criteria, as provided for in this proposed action, would retain stubble heights on upland sites (where pygmy rabbits occur) of a minimum of 40%. This would prevent over-utilization of herbaceous cover and alleviate some of this impact to pygmy rabbit forage and cover availability.</p>

<sup>3</sup> Note that sensitive species are not governed by the Endangered Species Act

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
				<p>to populations of pygmy rabbits [reference given] because dispersal potential is limited [reference given]' (Rodriguez 2004)</p> <p>Grass and forb understory on big sagebrush stands in Region 4 is diminishing "because of grazing in combination with the increase in overstory sagebrush (&gt;15 percent). As a result of this loss in understory vegetation, soil stability and productivity may also be seriously affected" (USFS 1996)</p> <p><i>Re: narrow window for use of non-natives in revegetation</i></p> <p>"Native plant materials are the first choice in revegetation for restoration...Non-native, non-invasive plant species may be used: 1) in emergency conditions; 2) as an interim measure to help re-establish native plants, 3) native plant materials are not available, and 4) in permanently altered plant communities" (USDA 2004)</p>	<p>Mitigation measure #18 describes the criteria for use of non-natives: "Non-intrusive, non-native plant species could be considered for use where native species (1) are not available, (2) are not economically feasible, (3) can not achieve desired objectives as well as non-native species, (4) cannot compete with already established non-native species, and/or (5) where native species have failed to meet objectives."</p> <p>When restoring or rehabilitating disturbed or degraded rangelands the "objectives" described above are to restore to PFC (including watershed values, ground cover, and prevention of establishment of intrusive exotics like cheatgrass), not to increase cattle forage (DEIS 2-3).</p>
<p><b>NUMBER OF CATTLE AUMS</b></p>		<p>"No change in permitted numbers of livestock"<sup>4</sup> (DEIS 2-2) .</p>	<p>Avoidance of unsuitable cattle grazing sites (see above)</p>	<p>"Reduced carrying capacity for grazing and browsing ungulates may be partially responsible for concentrating use in riparian areas" (Beaver River Watershed Analysis (USDA FS 2003), see DEIS, 3-9, emphasis added..</p> <p>"Watershed and riparian vulnerabilities caused by overstocking are documented in some areas of the Beaver River Watershed...and in the 2003 Fishlake National Forest Level II Riparian Inventories" (DEIS, p. 4-29; emphasis added)</p> <p>Both riparian and upland areas of South Creek have "scarce"</p>	<p>It is correct that the Proposed Action does not specifically propose any changes in permitted numbers of livestock. Reductions in numbers of permitted livestock are not precluded, but are determined through annual forage use monitoring, permit compliance monitoring, and/or long-term trend monitoring, and are administratively made.</p> <p>Coupled with the increased invasion of tree and other woody species into the sagebrush/grassland upland sites, that has reduced forage availability and resulted in more concentrated use of riparian areas is the conversion from sheep grazing to cattle grazing that occurred mostly during the 1950-1960 period. The change in preferential areas of grazing by cattle to the riparian areas has resulted in increased use of riparian areas.</p>

<sup>4</sup> On p. 2-10, permits 8,950 AUMs; on p. 2-12 permits 12,009 AUMs

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
				forage, "...leading us to believe that the area is <u>over stocked</u> , especially in note of the past four year drought period" (Petty 2003, emphasis added).	
<b>STRUCTURAL RANGE IMPROVEMENTS</b>		"No new structural range improvements" (DEIS 2-2)	Structural improvements as needed to retain cattle on suitable cattle grazing sites	<p>See FS note under aspen stands, above.</p> <p>Fenced enclosures are mandatory for grazing permits on the South Beaver and Pine Creek/Sulphurdale cattle allotments (DEIS 1-6), though one of the three criteria for alternatives to be considered in this DEIS is no structural range improvements (DEIS, 2-2)</p> <p>"..[A] riparian enclosure with water gaps should be considered for the entire [South Birch Creek], to ensure the system remains stable and productive" (Petty 2003).</p> <p>"Riparian enclosures should be installed in [Big Twist Creek] reaches receiving heavy grazing to enable this area to recover" (Petty 2003).</p> <p>Enclosures should be considered for South Creek (Petty 2003).</p>	This subtitle used in the DEIS is misleading. Current management needs indicate that no new structural improvements are needed to properly manage, distribute, and/or control livestock on these 8 allotments (DEIS 2-2), and the emphasis is on maintenance of existing structural improvements (1-5). However, the need for and implementation of new structural improvements (fences and water developments) is not precluded (DEIS 2-3). AMP implementation provisions identified on page 1-9 of the DEIS authorize "...construction or maintenance of improvements...."
<b>GRAZING SYSTEM CHANGES</b>		"No change in grazing systems" (DEIS 2-1).	Grazing system changes as needed to remain within utilization limits and suitable sites	"The combination of reduced intensity, reduced frequency, and rotational time of grazing use will reduce defoliation and trampling of forage plants" (DEIS, p. 4-5)	This subtitle used in the DEIS is misleading. The DEIS does not preclude changes in grazing systems. The DEIS simply says that the proposed action "does not intend to address changes in cattle numbers or grazing seasons" (1-6, 2-1). Grazing systems are addressed in Allotment Management Plans and are revised as necessary to meet range management goals and objectives.
<b>ALLOTMENT MANAGEMENT PLAN DEVELOPMENT</b>		Non-NEPA AMPs, between permittees and Forest Service	<i>A revised SMU-G alternative will provide for public input in NEPA AMP development</i>	<p>Numerous <i>Federal Register</i> notices of NEPA documents being prepared for cattle allotment management plans (Enter "Allotment Management Plans" onto the Google search engine on the web)</p>	<p>The Federal Lands Policy and Management Act of 1976 (FLPMA) sec. 103(k) defines an AMP as "a document prepared in consultation with the lessees or permittees involved that applies to livestock operations on public lands or on lands within National Forests in the eleven contiguous western states." It does not specify that public input is required.</p> <p>In 1995 it was concluded through court and legal interpretations that the decision to authorize grazing is a discretionary one to which NEPA attaches, and therefore prior to authorizing grazing, the area where grazing is permitted must be adequately and specifically analyzed with respect to effects of livestock grazing on the environment. At that time, the purpose and need for NEPA was to determine whether to authorize livestock grazing. The Rescission Act of 1995 (PL 104-19) became law on July 27, 1995. This law provided that "...term grazing permits which expire or are waived before the NEPA analysis and</p>

Management Feature		Alternative A (Proposed Action, Tushar Range Cattle Grazing DEIS)	Sustainable Multiple Use Grazing Alternative (SMU-G Alternative)	U.S. Forest Service evidence of the reasonableness of the SMU-G Alternative	IDT Response to Comparison
					<p>decision pursuant to the schedule developed by individual Forest Service System units, shall be issued on the same terms and conditions and for the full term of the expired or waived permit.” For the allotments included in the Rescission Act schedule, the Act effectively removed the “need” to “authorize livestock grazing”. And since the AMP and the accompanying grazing permit implement the project level decision to authorize grazing, thereafter, the NEPA placed emphasis on AMP development which is the logical outcome of a grazing analysis document. Subsequently, at a national level, NEPA analysis for livestock grazing became referred to as AMP/NEPA.</p> <p>NEPA documents cited on the world-wide web do not confirm that NEPA documentation is prepared for cattle allotment management plans. On the contrary, they unanimously confirm that the NEPA is prepared for the purpose of authorizing livestock grazing. Some indicate that authorizing grazing will result in updating AMPs.</p> <p>When reviewing the “hits” on the GOOGLE search engine (first 100 results), two documents are actual AMPs for which no public involvement is described. Five Forest Service EAs/EISs were found:</p> <ol style="list-style-type: none"> <li>1) Upper Sycan AMPs EA: proposes to authorize livestock grazing.</li> <li>2) South Bear River Range AMP Revisions EA: analyzes the effects of continued domestic livestock grazing.</li> <li>3) North Fork Sprague AMPs DNFONSI: authorizes grazing and updates AMPs</li> <li>4) North End Sheep Allotment Range Analysis EIS: analyzes the effects of grazing; AMPs updated based on the analysis</li> </ol> <p>When reviewing the “hits” on the ALTA VISTA search engine (first 100 results) one additional document is included as an actual AMP for which no public involvement is described. Four additional Forest Service EAs/EISs were found:</p> <ol style="list-style-type: none"> <li>1) Baker Creek and North Fork Boulder Creek AMPs Analysis: authorizes grazing through revised AMPs</li> <li>2) Soda Springs Ranger District Grazing EIS: analyzes the effects of authorizing grazing. AMPs will be updated based on this analysis.</li> <li>3) Upper and Lower East Fork C&amp;H AMPs: to bring management of allotments into compliance with the Forest Plan by authorizing permitted grazing.</li> </ol>