Reading file

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

August 16, 2006

James Winfrey
Humboldt-Toiyabe National Forest
2035 Last Chance Road
Elko, NV 98801

Subject: Jarbidge Ranger District Rangeland Management Project Draft Environmental Impact Statement (DEIS), Humboldt-Toiyabe National Forest, Nevada (CEQ # 20060253)

Dear Mr. Winfrey:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The proposed action authorizes continued grazing in the Jarbidge Ranger District under revised grazing management direction. Based on our review, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions"). We commend the Forest Service on a well written EIS which thoroughly documents impacts to resources from livestock grazing. We especially note the numerous scientific research citations which lend integrity to the analysis. We are concerned, however, with the achievability of the reduced utilization rates and other annual use indicators, and with the sufficiency of protection for impaired riparian and aquatic resources. We recommend additional protection for stream banks as well as a more proactive approach towards preventing the spread of noxious weeds by livestock. We also request additional information regarding project implementation and permittee compliance.

EPA appreciates the opportunity to review this DEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3988 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

Duane James, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosures: EPA's Detailed Comments
Summary of EPA Rating Definitions

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EPA DETAILED COMMENTS ON THE JARBIDGE RANGER DISTRICT RANGELAND MANAGEMENT PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT, HUMBOLDT-TOIYABE NATIONAL FOREST, NEVADA, AUGUST 16, 2006

Implementation of the Proposed Action

Jarbidge Ranger District contains 206,200 acres of rangeland divided into 24 allotments (p. 2). Four allotments are currently vacant (p. 5). The proposed action presents annual use indicators and strategies for grazing management. The Forest Service would use allotment inventories and an assessment to identify where and how management would be adjusted over the next several years. If a determination is made that adjusting grazing strategies could improve vegetation condition, adjustments would be made in partnership with the given permittee and monitoring would occur. This adaptive management approach would be implemented under allotment management plans and the term grazing permit until conditions improve (p. i).

The DEIS describes the adaptive management process and identifies utilization rates for use in various vegetative communities (Table 2-2). EPA commends the Forest Service for proposing reduced utilization rates that, if implemented, will decrease grazing pressure on rangelands and other resources. However, it is not clear how reduced utilization will be accomplished. The DEIS states that under the proposed action, there may be some fluctuation as the permittees adjust numbers to meet end point indicators and desired conditions, but it is expected that permitted numbers of livestock would remain the same (p. 32). On page 29, the DEIS indicates that both the permitted number of livestock and use dates are common to all alternatives.

> *Recommendation:*
> In the FEIS, explain how operations will change and the proposed new utilization rates will be achieved without a change in the permitted number of livestock or use dates. Table 2-3G indicates that possible additional requirements would be needed by ranchers to meet annual use indicators (p. 47). Explain what these new requirements might be. The DEIS states that it is expected that permittees would need to change some of their management strategies, which may affect the overall ranching operation (p. 149). If new knowledge will be needed by ranchers in order to meet environmental objectives, indicate how this education will occur.

Compliance Concerns

The DEIS states that reduced utilization rates, stricter bank stability requirements, and rest rotation requirements under the proposed action would improve bank stability and over time improve water temperatures (p. 30). Stricter utilization rates, however, are only as effective as their implementation. The DEIS cites a study that documented utilization rates by livestock in meadows to be over 80 to 90% in some years (p. 135), well above the current authorized utilization rates and much higher than what is being proposed in this action. The DEIS also implies acknowledgement of noncompliance and unauthorized use, since these factors are used in prioritizing allotments for implementation monitoring (p. 26). The DEIS, however, does not indicate the extent of known noncompliance, which would be useful information in evaluating

whether achievement of proposed utilization rates is probable.

> *Recommendation:*
> In the FEIS, discuss existing rates of noncompliance and unauthorized use on the allotments in the project area. Briefly describe how utilization rates and other indicators will be enforced. Indicate what circumstances could have led to the observed 80-90% utilization documented in a 2004 study, and what component of the proposed action is expected to prevent such conditions from occurring in the future.

Riparian and Aquatic Resources

Wetland plant communities comprise some of the most valuable forage and habitat for livestock, fisheries, and wildlife as well as play a critical function in providing abundant and clean water (p. 64). However, data show these functions are in peril. Data collected on 9 wet meadow sites throughout the project area from 1999 through 2003 showed all to be functioning at risk (p. 65). Other data from ecological plots used to determine the condition of riparian areas revealed a condition that is either at risk or has already crossed an ecological threshold for 21 out of 22 areas visited (p. 137). When a site has crossed an ecological threshold, restoration may be ecologically or economically infeasible (p. A-27).

As the DEIS well documents, over-utilization results in shrinking of riparian communities. Perennial grasses and sedges are replaced by plants that are more adapted to drier conditions and do not provide the same level of water filtration or sediment capture as the desired species (p. 65). Water quality in adjacent streams is affected, and data show streams with increased temperature (Marys River) and increased turbidity/sediment in the project area (p. 31). In addition, the East Fork of the Jarbidge River is listed on the Clean Water Act Section 303(d) list as impaired for temperature, and low canopy density in the Robinson Hole C&H allotment may be contributing to this condition (p. 119).

While there are no specific guidelines for stream bank disturbance under current management (p. 40), Table 2-2 estimates the effects of current management on stream banks to be at least 90% stability (p. 44). However, the percent bank stability of streams shown in Appendix D from the General Aquatic Wildlife Survey shows 16 of 19 streams below 90%, 10 of these below 80%, and 5 below 65%. With these current data, it is not clear how a new stream bank standard of less than 10% disturbance would be implemented without a substantial restoration component or prohibitions on grazing in riparian areas.

The DEIS states that there is no change in stream bank management under the proposed action for bull trout, cutthroat trout and spotted frog streams, and acknowledges that grazing along the banks does as much or more damage to these resources through bank alteration than through changes in vegetative biomass (p. 109). It concludes that recovery of altered stream banks may not occur without resting these areas, and rest may not occur under the proposed action (p. 105, 110). In addition, utilization reduction alone may not be enough for recovery of cottonwood communities which occur along larger streams, many of which are functioning at risk due to soil

compaction (p. 76). In general, the proposed action does not clearly demonstrate how the protection of at-risk resources will occur to actively prevent them from crossing below ecological thresholds.

> *Recommendation:*
> EPA recommends greater specific protections for stream banks in impaired riparian areas in the proposed action. For example, exclusionary fencing should be used to keep livestock out of all riparian areas that do not meet desired condition. Controlled stream access points should be developed to encourage animals to drink or cross streams in specific, managed locations. Long-term rest should be required when riparian areas are highly degraded. The DEIS indicates that 4 of the 24 allotments are presently vacant. We recommend these allotments remain vacant and be designated as forage reserves for use when sensitive resources in permitted allotments are being rested or restored.

Monitoring

As part of the adaptive management approach used in the Allotment Management Plans, the permittee will be responsible for "within season" monitoring and management of livestock to determine if utilization rates have been met and livestock need to be moved. The Forest Service will be responsible for all "end of season" monitoring (p. 20). Since monitoring every allotment to the same degree is neither practical nor affordable, the DEIS identifies criteria that would prioritize allotments for monitoring, and lists in the 2nd priority category "allotments with permittees willing to take on monitoring responsibilities" (p. 26). It is not clear which monitoring responsibilities this refers to.

> *Recommendation:*
> In the FEIS, clarify which monitoring is referenced in the above statement. If additional permittee monitoring will result in less or no monitoring by Forest Service personnel, we recommend this occur only for permittees without a history of non-compliance or unauthorized use.

Excluding Grazing in Problem Areas

Data indicates that soil quality has or is being degraded at locations throughout the district (p. 92). The largest areas of bare ground total less than 40 acres, with 11 of these acres occurring in the Spring Creek C&H allotment (p. 93). The project area is fortunate in that it is considered relatively free of noxious weeds, with just 3 species identified in 5 sites (map 3-3). While the DEIS states that reduced utilization will benefit these conditions, the proposed action does not actively prevent the spread of noxious weeds or specifically identify restoration activities for large areas of bare ground which are vulnerable to the establishment of noxious weeds. The active prevention of new weed sites should be emphasized, since this is more feasible and effective than eradication after weeds become established.

Recommendation:
EPA recommends the Forest Service proactively prevent the spread of bare ground and noxious weeds by modifying the proposed action to include restoration activities focused on these areas and excluding grazing in the 5 noxious weed sites, either by fencing or another exclusionary mechanism. As mentioned, forage reserves from vacant allotments could be used to provide grazing sites while restoration is occurring.

Inventory schedule

Table 2-1 provides the allotment inventory schedule, which is the first step in the development of the Allotment Management Plans (AMPs). The DEIS does not provide the reasoning for proposing the inventories in the order presented, and it would be useful to understand the rationale behind the schedule. EPA recommends resource conditions and known problems be used for prioritizing the inventories and AMP development. For example, Buck Creek C&H allotment is proposed for inventory in the 3rd round estimated for 2008; however, the DEIS indicates this allotment is experiencing overuse by current livestock management (p. 102). It also contains two populations of rare plants, Lewis Wild Buckwheat (p. 78) and Broad Fleabane (p. 79).

Recommendation:
Provide some information as to how the inventory and thus the AMP schedule was formulated. If allotments with impaired resources would benefit from receiving an earlier inventory, we recommend the schedule be amended to incorporate resource concerns.

Tribal Consultation

The DEIS describes the consultation that occurred with tribal governments, including a presentation to local tribal representatives and a follow-up meeting with the Shoshone-Paiute Tribe; however, the DEIS does not indicate what issues, if any, were of concern to the tribes.

Recommendation:
In the FEIS, briefly describe concerns raised by tribes regarding the project, and how any concerns were addressed in the proposed action.