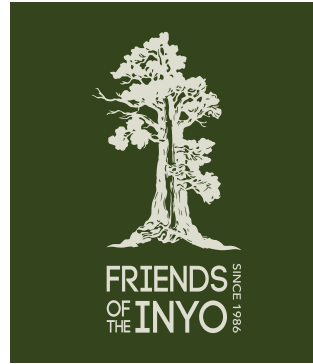


Jan Cutts
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August 5, 2019

Re: Bridgeport Southwest Rangeland Project Proposed Action

Submitted via email to: comments-intermtn-humboldt-toiyabe-bridgeport@fs.fed.us

Thank you for the opportunity to submit comments on the Notice of Proposed Action (NOPA) for the Bridgeport Southwest Rangeland Project. We previously submitted comments in June of 2018 highlighting the various significant and cumulative impacts of this project and the necessity for an Environmental Impact Statement (EIS). The Forest Service appears to have decided to continue with an environmental assessment (EA) addressing livestock grazing on the Cameron Canyon, Dunderberg, Summers Meadow, and Tamarack grazing allotments, with only modest boundary adjustments and little to no response to our scoping comments.

Necessity to prepare an EIS

The considerable and cumulative impacts of the new proposal to issue cattle grazing permits on these allotments warrant the preparation of an EIS (*See* 40 C.F.R. § 1508.27). Specifically, there is proximity to unique historic and cultural resources (3) and the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (9). Furthermore, an EIS would also be consistent with the previous NEPA for grazing in this location. We understand the agency is attempting to streamline their NEPA processes and therefore relying more and more on EAs instead of EISs. We would like to remind the USFS of its obligation under current NEPA regulation and the degree to which this grazing proposal will impact certain resources outlined in section 1508.27 of the NEPA regulations.

There is a legal obligation to respond to an application to graze cattle on these allotments but it is well within the agency's authority to continue to rest these allotments for an indeterminate amount of time and to possibly deny grazing permits at this time under provisions of the Endangered Species Act. The EIS must consider a range of alternatives that should include, but are not limited to: a no action alternative of no cattle grazing, not authorizing cattle grazing on some of the allotments or portions of the allotments; resting the allotments for at least a ten year period before any new livestock grazing is considered in order to update baseline surveys for rare, sensitive, and listed species; greater protective measures for water resources and species habitat on these allotments; and further limiting the season of use and animals per unit. Furthermore, the

environmental analysis must address the impacts of new proposed fencing to protected species (bi-state sage grouse, bighorn sheep); the reduction of native forage available for bighorn sheep, mule deer and other species; impacts to water resources, water quality and riparian areas; the spread of invasive weed species; and impacts to recreational resources. These topics are addressed in more detail below.

There have been significant changes to the landscape since sheep grazing ceased over a decade ago. Based on our site visit in the spring of 2018 allotments are moving toward desired conditions as outlined in the Forest Plan and subsequent amendments (Toiyabe National Forest 1986 Land and Resource Management Plan p., IV-4); 2004 Sierra Nevada Forest Plan Amendment, p. 42). There has been a slow recovery of meadow and subalpine systems from previous sheep grazing and it is because this area has been rested that it is moving toward or in some cases, meeting desired conditions.

Allotment boundaries and adjacent lands

Boundary adjustments to limit impacts and reduction of allotment sizes should be analyzed in one or more alternatives. We appreciate the exclusion of Cow Creek from the Tamarak allotment. Further boundary modifications to eliminate and adequately buffer critical habitat for Sierra Nevada Bighorn Sheep, Yosemite Toad and Sierra Nevada Yellow Legged Frog are necessary to analyze in an alternative as well. Further, given the USFWSs pending review of listing the Bi-state Sage Grouse as threatened under the ESA it would be prudent to also include an alternative eliminating proposed critical habitat for the grouse. Although we were provided maps for critical habitat and wilderness boundaries well before this comment deadline upon request, we kindly request the Forest post maps available for download to the project website.

Fencing

There is no precedent or science to support the assertion in the NOPA that cattle will stay within allotment boundaries with herding as a substitute for fencing. Cattle could easily disperse over ridgelines and access lands managed by Bureau of Land Management and the State of California. Protecting wilderness values is of particular concern for allotments with no fencing in and adjacent to the Hoover Wilderness. In addition, no fence-lines are proposed to separate the Jordan Basin Unit from Lundy Canyon to the south, resulting in cattle traveling into a core area occupied by Sierra Nevada Bighorn Sheep.

There is an inherent conflict with fencing the entire allotments especially because of the core management strategy to reduce or eliminate existing fencing in Bi-State sage grouse habitat, but also because of other impacts to wildlife. The fencing dilemma is another indication of the complexity that warrant an EIS level analysis. Some of the issues with existing and future fencing are further described in our previous scoping comments (June 2018).

Waterways and Monitoring

The NOPA acknowledges the potential impact to streams and wetlands but fails to offer an analysis of impacts or offer alternatives via an EIS to exclude cattle from all springs,

seeps, wet meadows and other wetlands and buffers in all these allotments. The creeks found within the proposed allotments offer a variety of resources for fish, wildlife and people. These streams are not functioning at risk primarily *because* they have not been grazed for an extended period of time. Many currently occupied grazing allotments on the HTNF are functioning at risk. Best Available Science on cattle impacts to water quality and their associated bed and banks should be documented in the EIS. Cattle preferentially graze meadows, springs and waterways due to high forage quantity and access to drinking water. In order to ensure proper monitoring in compliance with plan amendments the USFS must provide baseline data on water quality and, if cattle grazing is permitted, require frequent monitoring to measure water quality in these areas, protect water quality, and prevent eutrophication of streams. *E. coli* are indicators of fecal contamination and therefore can provide accurate assessment of water quality conditions and human health risks. The proposed monitoring of once a year and perhaps even less in the future (NOPA pg 12) is inadequate to ensure standards and guidelines of the 2004 Sierra Nevada Forest Plan Amendment are met.

Season of use

A reasonable range of alternatives should include different and shorter seasons of use for these allotments to protect the resources on these allotments. For example, the Jordan Basin Unit, being higher elevation than many of the other allotments will likely have snowmelt and mud conditions during most years well into the summer. The EIS should consider not allowing grazing to commence on this allotment until July at the earliest, in order to reduce impacts on native vegetation, soils and water resources. Reducing the season of use would help to mitigate the significant and unavoidable impacts of cattle grazing.

Recreation

The Bridgeport Ranger District is increasingly becoming a recreational district with high use concentrated in the Virginia Lakes and Green Creek areas. Recreational conditions have changed dramatically since the last environmental analysis for grazing over a decade ago. The Recreation Opportunity Spectrum within the existing Forest Plan does not adequately capture the use and resource within the project area. Therefore, please reference 40 C.F.R. § 1508.27 regarding significant impact on the human environment, when deciding whether NEPA warrants an EIS vs. an EA.

In a district that was once primarily focused on extractive use such as mining and grazing, the district must now consider new information on other uses to be compliant with multiple use mandates. The area is popular for camping, fishing, hiking and hunting the fall, as it presents several trail access points to the Hoover Wilderness and Yosemite National Park beyond. There are numerous dispersed primitive campsites within the proposed allotments. The absence of fences in a majority of the allotments adjacent or within recreation sites is an issue that must be addressed, further adding to the degree and complexity to which the human environment of recreation could be in conflict with cattle. The issue of recreation deserves further analysis within the alternatives of an EIS.

The Virginia Creek Fishing Unit is a popular recreational fishing area for non-native

game trout and without fences cattle will be allowed to enter waterways. The NOPA does not indicate there will be an analysis of these impacts of cattle grazing in this area on these trailhead access points and recreational activities. It is necessary to discuss the status of visitor use, visitor satisfaction, and progress toward meeting recreation objectives in this part of the Forest. Multiple use opportunities may be better met in this popular area for hiking, camping, fishing, and wildlife viewing, without the addition of cattle grazing. The Forest has worked to increase the quality and quantity of developed and dispersed recreation opportunities and grazing and increased fencing could conflict with recreational values and these efforts.

Also related to recreation, there are a number of homeowners in the Virginia Lake cabins tract that are concerned that free roaming cattle will come close to cabins and damage property. Without fences there is no way to ensure cattle will not be conflicting with cabin owners who pay taxes to use Forest Service land. It has been suggested homeowners will be responsible for fencing cattle out themselves, a burden that should not be placed on homeowners. The issue with cabins and cattle makes this project highly controversial, another consideration in deciding between an EA and EIS.

Public Safety

Related to the high recreational use that overlaps with the proposed allotments, public safety is an issue to be analyzed and considered as an unavoidable impact. The lack of fencing within allotments adjacent to roads that are travelled by recreation users pose a risk to public safety, especially for vehicles travelling too fast, or driving at night when cattle are on the road way.

Sierra Nevada Bighorn Sheep

Friends of the Inyo supports the actions taken by the Forest Service to protect Sierra Nevada Bighorn Sheep from disease transmission by permanently canceling the domestic sheep permits on these allotments. Proposed grazing allotments are within the Northern Recovery Unit for the Sierra Nevada Bighorn Sheep, a federally protected species. The Green Creek and Twin Lakes units contain suitable habitat where CDFW have observed animals in the past, and could be important areas for population expansion to reach recovery levels. The Mount Warren Unit overlaps the Jordan Basin and Dunderberg Allotments. This bighorn herd unit is considered essential for survival and recovery of the Sierra Nevada bighorn sheep as a whole. Between 2003-2016 there have been multiple sightings of sheep within the Jordan Basin Unit, the western edge of the Dunderberg Allotment, and the high crest of Monument Ridge inside the Cameron Canyon Allotment, towards Summers Meadow. Lundy Canyon just to the south of Jordan Basin is heavily used by Sierra Bighorn sheep. The Recovery Plan states that: "...data on known bighorn sheep locations and predicted spring-summer and rut utilization areas indicate that bighorn sheep are likely to enter the Dunderberg, Tamarack, Cameron Canyon, Rickey (south), Green Creek (BLM), Dog Creek (BLM), Jordan Basin, Summer's Meadow...allotments at any time of the year, which greatly increases the risk of contact."

Cattle grazing has the potential, although remote, to negatively impact bighorn populations: cattle are known to carry pathogens that can be transmitted to bighorn sheep,

bighorn sheep are known to avoid areas where cattle are present eliminating optimal habitats, reducing foraging efficiency, and cattle contribute to the spread of noxious weeds which outcompete native vegetation, degrade bighorn sheep habitat, and increase fire risk. Bighorn sheep remain at risk of disease from livestock pathogens throughout the West, with authorized grazing on public lands a limiting factor for many populations.

Cattle have been implicated in pneumonia-related die-offs of bighorn sheep, as well as in outbreaks of Bovine Viral Diarrhea and other diseases impacting wild sheep. Bovine respiratory syncytial virus (BRSV) and bovine parainfluenza virus 3 have been identified as co-agents in pneumonia outbreaks in bighorn sheep populations, affecting bighorn herds exposed to primary agents *Mycoplasma ovipneumoniae* and *Mannheimia haemolytica*. *Mannheimia haemolytica* originating in cattle is believed to have been a primary respiratory disease agent in at least one bighorn sheep pneumonia outbreak.¹

It is important the environmental team working of this project carefully review the literature on Bighorn sheep and vectors of disease introduction. Wehausen et al. (2011)² offer a review of the experimental evidence implicating livestock in bighorn respiratory disease. Besser et al. (2012) included a similar literature review, which included those same experiments with cattle.³

We also recommend consultation with CDFW so this project can fully align with future management of SNBS. Sierra Nevada bighorn sheep are subject to management direction contained in FSM 2670. Therefore, the Forest Service must complete a Biological Evaluation to determine the likelihood of harm to bighorn sheep viability (FSM 2672.41). The Forest Service must “ensure that actions authorized, funded, or carried out by them are not likely to jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats” (FSM 2670.11). It will be critical for USFS to engage with CDFW and USFWS on the preparation of their Biological Evaluation.

Given this data and the provisions of the NEPA and ESA regulations, the district ranger has the authority to decline grazing permits in order to protect this endangered species without a plan amendment, and this should be analyzed in one or more alternatives.

Yosemite Toad

Critical habitat designated in 2016 lies just outside the Dunderberg allotment (<https://ecos.fws.gov/ecp0/profile/speciesProfile?slid=7255#crithab>). While we appreciate the design features (NOPA pg 6), unfortunately the NOPA fails to describe how monitoring will ensure these design features are met, and the proposal to allow cattle to roam free with occasional range rider management and once a year visits from USFS

¹ Wolfe, L. Diamond, B., Spraker, T., Sirochman, M., Walsh, D., Machin, C., Bade, D., Miller, M. (2010). A bighorn sheep die-off in southern Colorado involving a Pasteurellaceae strain that may have originated from syntopic cattle. *Journal of Wildlife Diseases*, 46(4), 1262-8

² Wehausen, J.D, Kelley T.S., Ramey II, Rob R. (2011). Domestic Sheep, bighorn sheep and respiratory disease: A review of the experimental evidence. *California Fish and Game* 97(1), 7:24

³Besser, T.E., E. Frances Cassirer F.E., Yamada C., Potter K.A., Herndon, C.,¹ William J. Foreyt, W.J., Donald P. Knowles D.P., and Srikumaran S. (2012). Survival of Bighorn Sheep commingled with domestic sheep in the absence of *Mycoplasma ovipneumoniae*. *Journal of Wildlife Diseases*, 48 (1), 168-172.

staff, will likely mean these design features are not met in reality. The NOPA asserts that “cattle grazing could potentially have a number of positive and negative effects on these species that this analysis addresses. Properly managed grazing could help maintain the native communities that include and support these species” (NOPA pg 15), but these statements are not backed by any science and there is little to support this assertion in the literature. Furthermore the level of monitoring currently proposed would not allow the agency to effectively assess if the allotments are being properly managed. Given staffing and other constraints, the condition of other allotments on the district do not give us confidence these new allotments will be managed to maintain native communities, let alone support them.

Bi-state Sage Grouse

Bi-state Sage-Grouse in this area are managed in the Bodie Population Management Unit (PMU). Jordan Basin, Dunderberg, Cameron Canyon, and parts of the Summers Meadow Allotments contain excellent habitat for sage-grouse and are used by birds year round. Brood-rearing habitat on shrub-meadow edges appeared to be of high quality and recovering from past sheep grazing. We found native grasses and forbs growing well in this ungrazed condition. The Forest lists a few standards and guidelines in the NOPA that reduce impacts of livestock water facilities, yet the Forest does not address the impacts to sage-grouse habitat of grazing meadows and riparian to early seral stages. This contradicts the Bi-State Sage-grouse plan amendment, which states desired conditions for nesting habitat should allow for “[p]erennial grass height provides overhead and lateral concealment from predators,” and “[g]rass forb heights provide lateral and overhead concealment.” (pg. 38). The EIS should reference and adhere to the Bi-state action plan and management plans of the HTNF.

Mule Deer and hunting

Proposed allotments contain high quality, heavily used deer habitat. Cattle grazing can deplete mule deer browse and during our field visit we noted mule deer calving sites in Jordan Basin. The NOPA proposes grazing through October 31, nearly a month of overlap with mule deer season which generally runs late September through October (see CDFW hunting regulations). The allotments are within a prized mule deer hunting location and the potential for cattle to disrupt the hunting season and conflict with hunting use in the fall should be analyzed.

Cultural Resources

The NOPA acknowledges the presence of prehistoric and historic human use such as stone mortars, lithic scatters, and remains of past ranching activity including aspen carvings and the adverse impact cattle cause to these resources. Aspen carvings, known as Basque arborglyphs are a particular risk because of cattle preference to graze in aspen groves. The documentation and analysis of unavoidable impacts to these sites may warrant an EIS under NEPA regulation (see first paragraph).

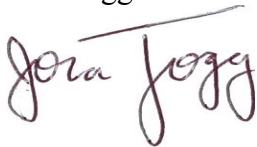
Conclusion

Because of the great number of valuable resources found within the proposed allotments and the high risk of unavoidable and cumulative impacts to them, we believe that an EIS

is needed before issuing any decision on cattle grazing permits for these allotments. Through an EIS process there is an opportunity to present and analyze a variety of alternatives that may give the Forest the flexibility to achieve a resolution to the settlement agreement that causes the least harm to the ecological integrity of the area and balances mixed uses such as grazing and recreation. We also feel this area is worthy of a administratively designated special management area that would allow this area to continue to recover from grazing, provide exceptional recreational opportunities, and move the Forest towards desired conditions. Thank you for considering these comments. Please reach out to us with any questions or concerns as this project moves through NEPA.

Sincerely,

Jora Fogg

A handwritten signature in dark ink that reads "Jora Fogg". The signature is written in a cursive style with a long horizontal line extending from the top of the "J" across the "F".

Policy Director

